

### Complex society: one of the possible Luhmannite theories of sociology

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**Complex Society**  
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## INTRODUCTION

The organizational machinery of modern Western societies has been able to stabilize a high degree of complexity within these societies. Despite recurring crisis trends it has been possible to keep tensions induced by the operation of complicated social structures below a threshold level, with certain spheres of activity operating with an increasing degree of autonomy and efficiency accompanied by permanent changes, whilst on a general social level proving capable of integration and coordination - at least up till now.

This more or less harmonious social reduction has been especially characteristic of the modern Western societies in the years following the Second World War. The majority of the various smoothly-running mechanisms were formed in the "model countries" over several hundred years, like for instance the machinery of parliamentary government which has been capable of implementing an establishment based on social consensus in England since the late 17th century and subsequently spreading to all the countries of the Western world. Over the centuries it underwent gradual refinement, until, around the mid 20th century - it had become adapted to providing relatively steady workings in the State power ready for renewal in these societies, and at the same time to expressing the political articulation prevalent in the masses. Similarly, mention could be made of the development of mechanisms ensuring the autonomy, efficiency and regeneration within science, law and economy over several hundred years and their gradual propagation.

Certain social mechanisms or structural solutions providing flexibility and efficiency have spread beyond the boundaries of Western countries to Eastern Europe, and in the past few decades to South American and Asian countries. However, these modern structures can still be studied in their clearest form primarily in the West European societies and other quasi-Western societies in North America or Australia which were based on the same model.

For all present-day societies which have achieved a certain level of industrialization, urbanization and mass education and thus created the basis of political consciousness in the populace the vexing question arises, how it is possible to maintain political stability while allowing the populace to express its political thinking and making politics follow any shift in the political thinking of the populace without inducing an explosion. How is it possible to run the university training scheme in such a way that it should be able to follow and incorporate the new scientific achievements, etc.?

In certain Far Eastern countries they have managed to develop the structures of economic rationality successfully, but above a certain level of development the lack of political structures based on social accord questions any development achieved so far, as shown by the recent political events in South Korea.

The problem of modernization has been especially pressing in the East European Socialist countries in the past few decades. The laying down of the foundations of industrialization, mass education and urbanization has been accompanied by a complete destruction of autonomy and its replacement by centralized state government. At a certain phase of social development this situation led to an impasse. The centralized Stalinist state power, operating to achieve pre-set targets, was able to produce quick results in the elementary process of modernization, but when a degree of complexity had been achieved, the very machinery which was crushed by the Stalinist logic of modernization in order to rush industrialization became indispensable, i.e. an autonomous economic rationality, state government structures based on social accord, an autonomous jurisdiction, as well as a technically correct and legally regulated public administration.

I have taken the fundamental principles of the following discussion predominantly from Niklas Luhmann's theory. However, I have made a few important corrections and some fundamental theoretical decisions contrary to these arrived at by him. In this I have been helped by the rethinking of some of Talcott Parsons' social categories, Richard Munch's interpenetration theory which recycled Parsons' social theory, accentuating it in a very special manner, Jurgen Habermas' communicative activity theory which criticised Parsons and Luhmann with its approach to "the lifeworld", as well as by some starting points of Georg Lukacs, who examined some complex structures well above the level of everyday life on the basis of his former reading. This fundamental theoretical experience has been completed by the inclusion of theoretical investigations concentrated on the various social subsystems. In the course of writing my previous studies I tried to merge those aspects arrived at in empirical research of the political system, the legal system and the scientific-university sphere which proved suitable for generalization from the point of view of social theory with my general theoretical experience. In many cases this has made it possible for me either to refute the general theoretical conceptions or starting points confronting them with the facts of reality, or to confirm, and thus, accept them.

From among the rather empirical and specifically worded partial theories I have gained the greatest momentum initially from Merton's school of the sociology of science. I first came across Merton's writings on the sociology of science and the works of Hagstrom, Glaser, Storer, Diane Crane, Joseph Ben-David, etc. most often when doing research on the internal connections between the university sphere and science, and when I raised the conclusions to a level of higher abstraction I came to query Luhmann's starting point in the respect of the delimitation of the subsystems of society, which I had applied quite naturally at several points.

It was after this that I became aware of the situation whereby if I accept the differentiation of the subsystems of society taking place in the course of evolution, I still have to face the problem of separating these subsystems along their professional components, or of delimiting the communications of lay people in a broader context.

Before I became engaged in the empirical investigations of the sociology of science, I had not raised this question, and nor had most theories accepting functional differentiation. In the case

of Parsons this is understandable as he did not handle specific empirical social subsystems but those of an analytical character. Luhmann, who had rejected the analytical approach to the systems in principle, was to face this problem, and in the case of the legal system he indicated why he did not consider it sufficient to mark off the social subsystems according to professional components. However, he failed to work it out on a general theoretical level with respect to all the subsystems of society.

Even the indication of the problem is exceptional in Luhmann's writings and lacking clear-cut explicit statements the analysts who had taken the differentiation into social subsystems as a starting point failed to detect this problem. As there is no explicit wording available, most scientists following Luhmann unwittingly seem to have concentrated on the professional structures and their demarcation in the areas of science, law, politics, art, etc., while accepting the functional differentiation of the social subsystems as clearly conceivable facts of modern life. The small number of sentences hidden in Luhmann's works on law fail to make it evident that he thinks quite differently.

Whilst investigating science it became clear to me that even in principle the classification of social subsystems should be reduced to professional components. Initially this seemed an innocent correction in relation to Luhmann's theory, but this line of thought having been consistently followed through, a theoretical framework emerged which in many ways resembled the theoretical structure of Jurgen Habermas. Logically, if we reduce the individual social subsystems to their professional structures a new area, so far unthematized, appears: everyday life or "the lifeworld", where the dominant conditions are more diffuse, more emotional and more particular than those of professional communications, which represent a specific attitude, an orientation to more universal standards and freedom from emotions has been excluded from the professional systems until now. In the wake of this correction social evolution may not simply be taken as the functional differentiation of the social subsystems from one another, but as their emergence from the diffuse everyday life as systems of professional institutions. This bears more resemblance to systems emerging from Habermas' "lifeworld" on one hand, and to the pattern of social evolution described in Georg Lukacs's *Aesthetics and Ontology*, everyday life and the specific complex systems emerging from it, on the other. (The similarity of the structural framework, however, does not necessarily mean that we accept Habermas' "accents" in contrast to the system-like formations.)

Another of my theoretical corrections was also developed while I was analysing investigations into the sociology of science. On scrutinizing Parons and Platt's book on the American university, as well as Ben-David's works, the importance of the operation of economic market rationality in the enforcement of the internal evaluation mechanism of the scientific and university spheres became evident to me. This brought my attention to another problem, which had passed unnoticed before. How could we speak about the differentiations of the subsystems of the ECONOMY, science, law and politics when economy is today integrated in science, moreover, comparing today's American and German university models it can be concluded that it is precisely the imposition of market evaluation on the scientific and university sector that ensures the operation of the scientific evaluation mechanisms in a clearer form. This insight has made Karoly Polanyi's former distinction between the two meanings of economy especially interesting. In its substantive meaning the phrase of "economy" designates the sphere of material production (agriculture, industry etc.) which existed in some form or other in every society. In its formal meaning economy denotes the mechanisms of market rationality. By now it has

become evident to me that the Functionalist Systems Theory executes an unconscious shift between the two meanings of economy; when using economy substantively it describes its differentiation from politics, science and art as a subsystem, and when starting to investigate the internal workings of modern economy it takes to the analysis of formal economy, that of the system of the institutions of market rationality.

The machinery of economy in its substantive sense (material production) and that of market rationality tend to show their divergent areas more and more. Market rationality embraces the organization of the spheres of art, science, education, etc., which have acquired mass dimensions.

Raising the conclusions drawn to a general level I have managed to explore an even more important theoretical problem. Economy in its formal sense tends to incorporate the organization of an increasing number of social subsystems. The critical remarks and analyses of law "gaining an upper hand" in society have been criticising the legal processing of an ever-expanding system of social relationships in law since the early 70s. Even in everyday life much can be detected and read about the expansion of politics. The same holds true for certain branches of art, which include a number of technologies and social situations in artistic elaboration. This had previously been far from typical. Is it a matter of mutual inclusion of the subsystems? A partial thematization of this question has already been carried out by Habermas in the respect that economic and political rationalities as areas of the instrumental mind penetrate into the field of the "life world" and destroy it. In a less dramatic thematization Richard Munch described the expansion and mutual interpenetration of the rationalities as the basic pattern of desirable social modernization.

These partial thematizations could be fitted into a more comprehensive theoretical framework, if we again choose one of Talcott Parsons' initial categories, "inclusion," as a reference. From the general idea of mutual inclusions already raised (and again we refer to Parsons' descriptions of inclusion) it becomes clear that Parsons basically meant by this category the inclusion of wider and wider circles of the social population. However, science, law, etc. are not only organized within the ever-widening circles of population, but tend to include in their evaluation patterns a host of social situations previously unappreciated and with a growing intensity. So the original extensive meaning of inclusion involving the inclusion of the population can be given a completely different interpretation: it might be interpreted to signify the inclusion of a growing number of social situations. Sticking with the quadruple framework of Parsons' analysis, this is what Munch outlined as his interpenetration theory as opposed to the theories of functional differentiation without tracing it back to Parsons' inclusion category. Habermas also dwelt upon this problem though in a different conceptual framework and keeping in mind the inclusion of a different group of social situations. (The trends of "Verrechtlichung" for example.)

Thinking over our initial empirical problem consistently, we have been able to take important steps ahead in the exploration of the basic theoretical decisions of modern social theories.

In explaining the two above-mentioned fundamental theoretical decisions and by analysing their different results, theories so different in their degree of specificity, like the social theories of Luhmann, Habermas, Munch or Georg Lukacs, might be brought closer in their basic pattern. This is what I would like to expound in greater detail in my work and to set up an independent theoretical concept relying on the afore mentioned corrections.

This version is based predominantly on Luhmann's foundations, even if I have come to approach the basic patterns of the theories of Habermas, Munch and Georg Lukacs through my amendments. That is to say that in spite of my amendments the following discussion is to be read as one of the possible Luhmannite theories of sociology.

## **PART ONE**

### **Theoretical foundations**

## **CHAPTER I**

### **Basic concepts**

#### **1. Communication as basic element of sociality**

A demanding analysis is supposed to expose for consideration the basic categories and elementary distinctions postulated for the subject under investigation before putting them into use. The most important among them concerns a basic element of the organization of sociality. If we start from the statement still used for the purposes of a number of theoretical analyses that society is the aggregate of the relationships between people, we have taken it for granted that an individual person is an indivisible and essential element of society, even if this aspect has not been accentuated. Consequently all further analysis is built on this premise, and an elementary distinction can be made between a minimum of two people, whilst the borderlines between more comprehensive social features can be drawn between groups, strata or classes consisting of people. Thus social structure is bound to become the structure of the population, like for instance the group structure, the stratum-structure and the class structure. But how is it possible to locate the structural demarcations and mediation mechanisms of science, ideology, public administration, law, economy, etc. against this background?

The mode of thought prevalent in social theory has absorbed this idea since the late 19th century, when "man", the basic category of the organization of society came to be broken down and was found to play different roles in the operation and composition of the various social features and become a member of the society (**1**), assuming the norms and behavioural patterns

belonging to the various roles in the course of socialization.

The breaking of traditional ties and the growing extent of urbanization both increase the number of diverse roles a person has to play and accentuate the differences in their natures.

As a result, the social theories based on individual roles and the relationships between the roles instead of on "man" have been able to achieve a higher resolution and are capable of exploring the actual organization of society using much finer distinctions. An individual role, however, consists of elements easy to analyse and since Max Weber the actions constituting the roles have been the focus of theoretical analysis. Behind the differences in roles, the individual types of action, the motivations for action and the pattern variables characterising individual action can easily be grasped. Talcott Parsons based the understanding of the system-like paradigms of society as such on divergent roles, which can be derived from divergent types of action and ultimately the acting unit ("unit act"), which builds up the more complicated paradigms which can also be broken down into acting components.

We have come a long way from the compact "man" concept. The higher resolution arose along the line man ---> role ---> action ---> acting component, and modern social theories recombine their categories, typologies and the distinctions used to grasp broader social paradigms out of these.

However, I have found Niklas Luhmann's analysis convincing. He has departed from solutions based on the action of individual people (2), Luhmann very drastically separated social theory from man as an individual. He found that theoretical thinking still remains within the limitation of the old every-day observation: "in a sense society consists of people". Action is associated with man as an individual, despite the fact that the theory analytically subdivides this category. Even in the action theory sociality starts with the action between two actors: inter-subjectivity. So in the first place the action theory presupposes that understanding of sociality depends on action, and in the second it makes a correction (3).

Luhmann rejects action as basic element of sociality and includes communication instead, which means the information transfer between two sensible human beings (or more exactly, psychic systems). This transmission and reception, however, involves repeated selection, so the question is the "processing of selections". "Begrift man Kommunikation als Synthese dreier Selektionen, als Einheit aus Information, Mitteilung und Verstehen, so ist die Kommunikation realisiert, wenn und soweit das Verstehen zustandekommt". (Luhmann, 1984, p.286) It is an act of selection that the information content is articulated mentally; a further selection is represented by the communication of messages (the message is always, at least in part, communicated wrongly), and the greatest selection will be carried out when the other party gets to understand the message. The point is that sociality is constituted by communication following this pattern and consists of the actions of psychic systems (of their coordinated spiritual harmony) so it can no longer be subdivided into them. Luhmann thinks that with this approach the organization of the social world can be traced along a series of new dimensions, and the way has been paved for the exploration of a number of interrelations so far unthematized.

An indivisible component of the social world is elementary communication, which, may however, only arise on the basis of a problem-free organization of the physical and biological world conditioned upon the existence of the psychic systems developed on this basis, and may



form more complex social structures. In addition to amending the fundamental element Luhmann separated the psychic and mental processes from the organization of sociality, thus establishing an independent system level. The various societal paradigms naturally exercise a multiple influence on the organization of psychic processes - just as they influence the entity of sociality. But the mutual influence is always exercised through the selection and transformation determined by the respective system level. Luhmann describes the interdependence between the two system levels with the category interpenetration. (See Luhmann, 1981, pp. 151-170).

## **2. The systems of sociality: interaction, organization and society**

Our former use of the word "sociality" can now be better explained. Everyday sociological language uses "society" to describe what Luhmann had divided into three system levels. The comprehensive terms sociality or "social system" are used to embrace the three levels. As a matter of fact, society represent only one of the system levels in the organization of the social world and from this system level Luhmann separated the level of organizational systems and the level of simple interaction systems.

When in this study we refer to system-like organization or systems, empirical delimitation is presupposed, as opposed to Talcott Parsons' "analytical" system concept. In real social existence he sees only diffuse overlappings and he thinks the system-like character of social paradigms can only be constructed theoretically. Luhmann also rejects the analytical system concept and he views the system-like organization of the different social paradigms as specific and empirical factors actually existing. On the three system levels of the organization of sociality characteristic delimitations can be detected.

The interactions or interactional systems draw their boundaries on the basis of presence or absence - Luhmann (1975, pp. 9-21). All communication which takes place between those present belongs to the given interaction system. Distance is exclusive. The latter statement has recently undergone some reinterpretation due to the existence of the telephone, moreover even more complex interactions involving great distances have been made possible recently by the television-assisted "teleconferences", where interaction participants on different continents communicate in one interaction system. All these technical facilities simply tinge the characteristics of the interaction system. In the case of a system constituted by the interaction parties actually present and those mediated by some technical means most characteristics are common, e.g. the interaction system cannot be too complex because only one person can talk at a time and if there is a large number of participants a really communicative participation of the great majority is unlikely. Thus a spontaneous internal delimitation will follow between the actual interaction system containing a few active communicants and the rest of those present who are degraded to more environments as spectators.

Luhmann has recently outlined his precise views on the boundaries of the interaction systems. It appears from his accounts these days that the intrinsic notional connection themselves delimit the interaction, as opposed to the more complex social systems, where the delimitation has to be done explicitly beyond the internal logical coherence. Interaction as it were involves a non-stop stream of communication and its system-like interdependence is ensured by the circumstance that within the given framework of interaction each subsequent unit of communication should, in

some way, join the previous one thematically. Within the same interaction it is impossible to make up a drastically different subject without giving reasons for the change; an explanation should be given for the diversion from the previous acts of communication, some kind of link should be established between the two utterances. Likewise, the comments previously made on the given subject cannot be repeated as if they were non-existent without some embarrassment involved; generally speaking the different views voiced cannot be disregarded, and no denial can be put forward, unless accompanied by well-founded arguments. Within an interaction system the communication acts "tread on each other's heels," partially mirror each other, and anyone who ignores this will make the interaction chaotic and incoherent. This is what Luhmann calls "the basal self-reference" of the interaction system (Luhmann, 1984, p. 620).

Ultimately this is how it can be visualized that among numerous participants an interaction system might be reduced to a closer circle of participants and the rest might be excluded from the system. Physical presence of course always makes it possible for any participant to join the given interaction system, but then he has to take into account the existing delimitation and he can only communicate in the interaction by imitating it, eventually introducing a new subject after some connecting links.

In the case of organization as a social system the delimitation from the environment is more marked, in as much as it is the existence (or absence) of membership that decides which act of communication belongs to the given organization and which one does not. The system of organization may be more complex, as beyond the individual acts of communication it fixes the subjects to be communicated within the organization with binding power for the future, by drafting rules it narrows down the range of communication applicable within the various subjects (that is to say, it has done "preliminary selection" with binding force for later communication within the organization; members can make their own selections in their interpretation of the world and by choosing their alternative in the decision-making process only within this framework). Building up hierarchical relationships between the members it makes the selection of their superiors in the hierarchy compulsory for those in lower positions.

Finally, society is the most comprehensive social system, ensuring common standards of cognition, the rules of usage and the cultural symbols for communication within the interactions and the system of organization.

Where are the boundaries of society? Luhmann draws the boundaries of "society" as a social system from outside: all communication which is in some way available for the participants belongs to the same social system. Due to the intertwining of communication in the past century we can now talk about a single "world society" (Luhmann, 1975, pp. 31-51).

The three social system levels are entwined in their operation, but viewing them from an evolutionary aspect their connections and the significance of the individual system levels might be different in various periods of history. In "face-to face" societies the organization of sociality mostly took place within the interaction systems so the boundaries of the most comprehensive social system, society, coincided with the boundaries of the community. All communication took place in interactions and it was hard to distinguish "society" itself from the interactions, which meant that the stability of society was based on its undisturbed interactions. At that time a contradiction of any of the communicants which lead to conflict endangered the stability of the primitive society as a whole. Tolerating the contradictions and conflicts within the interactions

was only possible to the degree to which society was able to stabilize its structures transcending the acts of interactions. Beneath this umbrella hosts of interactions arise and cease. Below a certain threshold level the disintegration of interactions due to conflicts does not affect the undisturbed flow of the total communication within a society.

The society that outgrew the interactions underwent a large-scale increase in complexity, although above a certain level it was only through the development of organizational communication penetrating between the interactions and the "receding" society that this gap could be widened and stabilized, along with that of the complexity of the acts of communication within the same society.

According to Luhmann's typology, all forms outside the category of interaction which cannot fit directly into the framework of society are covered by the term organization. For this reason it has been suggested several times that this typology should be developed further and that group should be included as an independent system level (See Neidhard, 1979, Tyrell, 1983). However, Luhmann included these group-like structures in "organization", using the concepts "membership" and "organization" broadly.

Today's formal organizations can be distinguished from the small natural communities of traditional societies only on the grounds of the degree of their formality and the members' free access and withdrawal. Yet with Luhmann we might say that societies built up by traditional communities participate in the establishment of intra-societal communication by defining some comprehensive cultural standards and the rules of usage. The majority of these are developed in small, traditional communities bound by restrictions, and regulated by norms long unchanged.

Firstly, with the disruption of the small traditional communities the role of the natural small communities as units organizing and influencing social communication will be reduced (e.g. the present-day small family), and secondly, the shaping of communication will be taken over by formal organizations allowing free access and resignation. So today an increasing proportion of interactions takes place in formal organizations and the interactions are organizationally "preformed" (4). As regards the remaining non-formal organizations where emotional solidarity plays a greater role, their distinction within the "group" category may be considered, but the separation of formal organizations within the organizations makes Luhmann's decision to renounce their allocation to a separate system level acceptable.

Not only are the majority of interactions organizationally preformed, but beyond general social predestination they themselves and the selection of the systems organization are determined by subsystems of society with their increasing specificity. To quote Luhmann's phrase "complexity is reduced for them".

The issue of subsystems of society is also a scandalous point in sociological systems theory. The "system" concept was adopted in most every-day social science analyses without any attempt to identify it accurately - in American sociology, in the late 50s. Talcott Parsons who after sporadic attempts (5), introduced the "system" concept into sociology with great success considered the systematism of social paradigms suitable for reconstruction only analytically, i.e. theoretically. As we know, he presupposed four basic functions in the operation of society as a system and he divided society into four social subsystems to fulfill these functions analytically. He concluded, however, that empirically or concretely detectable social mechanisms do not

necessarily fall into one or another of the four subsystems, so it did not even occur to him that he should look for system-like delimitations among the actually functioning social mechanism, and he never considered it a theoretical problem.

For a considerable time there was nobody on a general theoretical level who showed any intention of re-interpreting Parsons' analytical systems theory as an empirical or concrete approach to the social system in principle. However, in the specialized individual branches of social sciences an unnoticed tendency to re-interpret started precisely in respect of the social sphere under examination: they started to apply the notion of systems theory empirically (6), like for instance the categories of feed-back, input-output and equilibrium.

With the propagation of the applications of categories within the systems theory assuming mass proportions the theory was transformed imperceptibly in specialized branches of social sciences into an empirical or concrete approach to systems and Parsons' categories were used simultaneously. However, due to this unconscious reinterpretation the elementary preliminary question was left open: "where do empirical or concrete social subsystems draw their boundaries (if and where they exist) and to what principles and mechanisms do they conform?" For scientists dealing with specific areas the field under examination is also to be marked off at the level of every-day thinking: this is science and that is economy, politics, the legal system, art, education, etc., as it is well known.

At the level of every-day thinking the demarcation between the various social spheres is not a problem - all the less, since during the past centuries science has been represented by organizations with clearly defined profiles (academies, universities, etc.), the political sphere by government offices, parties, etc. However, this is a misleading situation because a subsystem of society may actually cease to exist even if the special organizations are maintained. This was shown for instance by the example of early socialism in Eastern Europe: the Academy of Sciences may have existed but the same ideological and state control functioned in it as in the products of "art" (also precisely delimited) or in the law which was made to serve political terror. In Western societies the separation mechanisms of subsystems of society really are functioning naturally - reality allowed identification of the boundaries of separate organizations with those of the subsystems of society even if there was no theoretical justification.

Neither, for a long time, did delimitation of the subsystems of society present a problem for Niklas Luhmann. Although in the mid-60's, after some initial hesitation, he rejected Parson's analytical approach to systems and adopted the starting point that the subsystems of society are delimited from each other in reality both empirically and concretely (thus rejecting Parsons' division into four social subsystems), it was only from the mid-70s that he managed to find a unified basis for a theoretical reconstruction of the delimitation between subsystems of the society.

In short, Luhmann's present-day views on the delimitation of social subsystems can be summarized as follows: a pronounced demarcation of subsystems of society is a function of how well it can arrange itself around a universal binary code (in other words: a "dual schematics"). The communications belonging to discrete subsystems of society select the information received from reality according to this. In science selection follows the true/false binary code; the more specific scientific theories make the selection according to the rules of logic and verification processes; in law the distinction between lawful and unlawful, in the

system of economy the distinction between profitable and non-profitable control the options and selection of communications.

Thus an organizational system is not constitutive when it is a question of delimiting subsystems of society but below this level there should be a less visible mechanism operating: the selection of communications belonging to a subsystem is controlled by a specific binary code, which universally permeates the given subsystem. At this point attention should be called to a few problems in Luhmann's solution which will be discussed in more detail later.

One of them is that within the subsystems of society he does not delimit the communications which apply the discrete universal binary code professionally and the set structures organizing them from the applications in everyday life. So, for instance, the system of science includes both a scientist's activities in a specialized field subject to the true/false distinction and all types of everyday communication. The same holds for the activities of professional jurists who base their orientation on the dichotomy of lawful and unlawful, as well as for the actions of anyone orientated according to the lawful/unlawful distinction in some cases (7).

As a result of his broad conception of the subsystems of society Luhmann is biased towards neglecting the examination of the set structures, which recruit, select, socialize, evaluate, reward and sanction those participating in professional communications of the discrete subsystems of society according to a special binary code, which is to say that these structures aim at forcing the professional participants to assert the specific dual paradigm in the clearest possible form through the means of structure. Following this line Luhmann would be unable to gather up the applications of binary codes in everyday life with this.

### **3. The contingency of sociality: differentiation in time**

The separation of discrete subsystems of society in modern societies raises the fulfillment of the various basic functions to a high level and makes it possible that within the various social subsystems complex structures of selections (those linked with each other) can be built up. The immense complexity on a general social level does not cause any selection problems for the subsystems as a result of system-like separations as the delimitations degrade the other increasingly complex subsystems to environments beyond the subsystems and each predominantly selects information emerging from the environment according to its own dual paradigm. Thus the subsystem-like delimitations reduce complexity on a general social level, and this allows a drastic growth in complexity without leading to chaos or the disorganization of the whole society.

The subsystem-like delimitation, however, is just one axis along which complexity expands. Using Luhmann's expression, this differentiation covers only the substantive (*sachliche*) and social (*soziale*) dimensions. The third dimension of the composition of sociality is the differentiation in time. The complexity ensured in the previous dimensions can be further increased if the rigid interlocking of the individual mechanisms within the subsystems can be eliminated and elements of a subsystem are allowed to interlink to form new combinations or relations. This allows a further growth in the number of elements within the subsystems, i.e. a

system might become even more complex, particularly if a form of interlocking can be developed where certain elements within the system are joined in a time sequence succeeded by their flexible disengagement, which is in turn succeeded by the interlocking of new elements (Luhmann, 1981, pp. 101-126). Such a "temporal" system (8) can stabilize the growth of complexity by this shift in time.

A discussion of this kind may sound somewhat abstract, but it provides a theoretical solution for such simple things as, for instance, political pluralism. Modern political systems have "temporalized" their complexity by basing state power on periodically recurring elections. Besides factually existing and operating government policies the future is also present in an institutionalized form albeit suspended in the form of alternative party policies and platforms, any of which might interlink with the machinery of administration executing the respective period's state policies at the following elections should it become the ruling party by acquiring a majority at the parliamentary elections.

Similar differentiations in time can be observed in science. Scientific thinking means working on the threshold of knowledge, where there are alternative versions to all the yesses and noes. A fair degree of accord might develop in the public's view of a branch of science in support of one or another competing theorem. In fact it should develop to the conclusions supported by other scientific theorems based on it, even if temporarily. However, the denials, corrections and emphasis on new interrelations may shift the points of agreement within the scientific "public opinion" towards scientific theorems so far unaccepted here is the stabilization of factually existing scientific truths (which are valid and accepted by the majority of the community) with concurrent alternative scientific statements supported by only a few scientists. The transposition becomes possible in the operation of science in a time sequence. Potentially the "future" is extant in the present - a deferred possibility - so the complexity of science can also be increased in this direction, beyond the differentiations within the subject or science.

Differentiation in time is also important in modern social subsystems from another aspect. Here the reduction of entropy is focus. The structural separation of the discrete subsystems of society makes possible the formulation of the results of selections in communication and decisions and, building on these, subsequent selections may be continuously arranged in long selection chain. The stabilization of the selection chains within the subsystems makes possible the absorption of a multiplicity of environmental information so that the subsystems considerably outmatch the cognitive and decision potentials of everyday thinking conforming to their specific binary code.

Environmental complexity of the systems is continuously growing with the formation of autonomies and the restructuring of the social subsystems constituting the environment, making them receptive to changes. It is becoming less and less possible to estimate the present state of the environment on the grounds of past analogies. New information on increasingly more environmental mechanisms should be gained in an ad hoc manner and a new picture should be formed in the course of the decision selections. Such a complex environment can only be "scanned" by serial selections contained in lengthy selection chains.

The reduction of entropy consequently means that it is impossible to start everything all over again in the subsystems. The sweeping aside of or ignoring previous selections is excluded by the internal mechanisms of the subsystems or at least there should be sufficient justification for discarding previous selections.

To give an example of the reduction in social entropy the decision processes in state policies in the Western political systems can be highlighted. Even the platforms of the political parties are formulated in long selection chains from which each ruling party considers several decision courses taken in their party programmes as given an compulsory when making state decisions - at least in the majority of cases. In the bills' preparatory processes the experts' selections exploring the fundamental interrelations of the field to be controlled are carried out in articulated structures; the manoeuvres of the corporate systems to check the options thus brought into the foreground will narrow down the decision alternatives of the bill to be passed which serve social consensus- finally, in parliaments, the decision-making selection is made on only a few minor details. Any party that wants relinquish the social consensus already achieved up to this point and restart the selection chain will exclude itself from the possibility of influencing the decisions. Unless it can achieve a majority in support of its intention, it will be unable to prevent the former selection chain from closing down and the result from being enacted. Of course, if such a party gets a majority it may sweep aside all former selections along with the current ruling party and start many things all over again as the new ruling party. Now it will be this party that will dominate the series of decision selections before and during the parliamentary procedure and the parties wishing to "start everything all over again" may be vociferous but cannot actually do anything due to their parliamentary minority.

In joining the two aspects of differentiation in time it might be said that as a result of political pluralism the state political structures are contingent; the coexistence of institutionalized alternative party policies suspended on the horizon ensures the possibility of restarting at any time, but meanwhile the decision structures prohibit or inhibit restarting in the decision preparation stage by arranging the decision selections in chains while the acts are being prepared - except in the case of the ruling party being ousted by a new one. A radical changeability in the decision premises taking the form of a new ruling party and state policies is thus balanced by irreversibilities within the individual processes of state decisions **(9)**.

On the other hand a state decision system is entropic, where there is no consolidated way of changing the decision premises that have developed which may further be bound by unchangeable ideological maxims, as is the case in East European political systems. Then again, in any given period, within the various decision processes professional, political and economic alternatives are in confrontation and everything starts afresh when there is a relevant or quasirelevant world event or a change of a political personality. For instance in the Hungarian bill drafting process, although it can take 8-10 years to prepare a bill it is quite feasible for these to be several segments of the total process within which complete plans are constantly being formulated. However, because no consensus develops all previous agreements fall and everything must be started all over again when suddenly the product of one of the several selections will stand and become enacted **(10)**. But in many cases this one is no more stable than the previous end products discarded when the bill was drafted, so when a new accidental change in political personalities or world events, etc. offers the opportunity the struggle starts for a fundamental modification of the act already passed. So, although the political leadership at the top is unchangeable, the bulk of legislation shows constant fluctuation. Everything changes and changes back again - there are no irreversibilities here.

The question of entropy can also be raised in the system of modern sciences. Modern science shows an increasing tendency to resolve in the course of its progress the compact ideas

developed in everyday thinking, it recombines the theoretical categories of more complex social paradigms out of the high-resolution fundamental elements and only allows through systematic denial the destruction of the structures erected by former scientific statements. No general highbrow-communications are admitted by the structures of segregated science. In order to be able to publish things in scientific journals or contribute at a scientific conference one has to have absorbed the accumulated knowledge and interdependent theorems of a field of science, and it is only on this basis that one can make my presence felt in the world of science. On this basis one can equally well contravene earlier statements or rebuild the accepted theoretical structures, going as far as introducing new basic elements.

It is here demonstrated that, with refutability and with the tolerance of pluralistic scientific truths, on one hand in modern science restarting is always ensured and on the other the accumulated selection chains have a binding power until refutation. In a field of science the knowledge accumulated has to be known, though not necessarily accepted, which means that from the point of view of entropy reduction a young scientist has to start his scientific communications and the exploration and selection of further alternatives from the level of the lengthy selection chains achieved so far - unless he refutes the results to date.

However, in some new social sciences it can be seen that "anyone on the street" feels entitled to publish "scientific" contributions or speak at conferences undistinguished from the general intellectual communications, and as there is as yet no consensus in such new scientific communities on the delineation of scientific material any professional is justified in feeling he is a potential contributor. When a concurrence of opinions has developed and the next generation of scientists has been socialized, the entropic state ceases to exist and the internal structures of the new science fix the boundaries of the system for professional communications.

Likewise, another aspect of the reduction of entropy within modern sciences is constituted by the obligation of originality. Scientific merits and awards are mostly allocated to the first contributor of a scientific theorem; if the language or phraseology has not yet been clearly defined in the given science, the second, third or fourth contributor offering more precision might also receive such recognition (11). However, later on anyone who is satisfied merely to repeat rather belatedly a known scientific theorem will have his paper refused or be denied participation at a conference. That is to say, a young scientist has not only to learn the accumulated knowledge available, but should refrain from stopping at this point in the selection chain, repeat the previous results and continue the selection chains (or deny them and start them afresh)! Thus the lengthy chain of irreversibility is corrected by institutionalized reversibilities.

It is the building up and protection of temporally extensive communication selection sequences (or, as we have seen in sciences, the compulsory development of these sequences by the obligation of originality) that makes it easier to share the responsibility that decisions involve in a society of increasing complexity. Hence substantive or objective complexity goes hand in hand with temporal complexity.

#### **4. Evolutionary mechanisms**

Modern societies are adaptive ready for renewal, and social evolution can be traced along the



processes where those mechanisms which ensure the ability for renewal develop. This widely accepted formula, which is, incidentally true, can be made more precise, if we dig down a level deeper and direct our attention to the evolution mechanisms behind the ability to renew.

Just as in the world of biological systems, also in the world of sociality variation, selection and the stabilization of the selected constitute the fundamental evolutionary mechanisms. These mechanisms, however, are organized in the specific medium of sociality, the mental structures, and they cannot be surveyed using simple biological analogies. In the wake of Donald T. Campbell, since the early 70s Niklas Luhmann has been trying to grasp the evolutionary mechanisms within discrete subsystems of society **(12)**.

The first fundamental difference between the biological system level and the evolution of the world of sociality is that through language and by recording social structures as mental structures the latter can make its choice not only from among factually existing structures but also from among the possible structures recorded linguistically or spiritually. This partly allows a drastic extension of variations and partly reduces the evolutionary time span, as in this way all variations are not to be realized merely to undergo controlled destruction and to allow the selected ones to operate.

In the world of sociality the production of "potential" variations is gaining more and more importance as in the course of earlier historical development the number of societies implementing autonomous versions of evolution had been decreasing to a point at which started the process which led to the present situation where a world society has become an exclusive background for the further evolution of sociality.

This trend reduces the importance of selection from alternatives implemented in various areas and increases the proportion of potential alternatives designed intellectually in the "variety pool" need for the evolution.

Formation of the complex society was preconditional upon the institutionalized production of variations, selection and also the stabilization of the selected within the discrete subsystems of society. In the case of the modern legal system the creation of a continuous machinery of law-making ensured the production of variations for the bulk of legal material in operation since the late 18th century and nowadays hundreds of legal measures are "stranded" or preserved in special legal journals or in bill drafts as a "variety pool" for the preparation of the next change in the regulations. The political bodies of government select the law effective at the time from the legally possible bulk according to power relations within the society and to the possibility of consensus, so finally a proportion of the selected legal measures become stabilized through juridical generalization as legal institutions, principles of legal dogmatics, etc. (Luhmann, 1972, p. 136).

In the modern political systems the state policies selected from the alternative political party programmes will embody the ability for continuous evolution. Therefore the free formation of parties ensures the production of alternatives and periodically recurring parliamentary elections will effect the formalized selection from these. Public administration, which is always reshaped by the new ruling party aims at putting into practice the selected government policies.

In the same way, in modern science the coexistence of plural scientific truths and the existence

of competing theoretical alternatives provide the variations for the scientific evolution of the period. Selection mechanisms also exist in this field. For instance, agreement is more often reached to general scientific opinions by backing them up with the theories and statements of those of high repute scientifically speaking. It should, however, be emphasized that, as opposed to law and politics, a stable attachment to any of the variations does not develop or is not bound to develop. Modern scientific truth always remains hypothetical and some of the alternative truisms !!instantaneously rejected!! may retain a presence in the guidance of scientists with almost the same intensity as those scientific statements, which have acquired greater consensus.

As a matter of fact, scientific truths or statements become the only absolute and undeniable truth when, transformed by further selections, they are moved to the areas of ideology, politics, law, and, generally, everyday thinking.

In this sense it may be started that by expanding and investigating all working social mechanisms modern science explores masses of alternative modes of operation. Many of these become accepted as alternative statements competing within the science. The other subsystems of society, own variety production takes over some scientific statements, selected and transformed according to its own binary code, and selects out of these the only decision alternative it recommends for operation (as a legal measure, party programme, ideological theorem, educational material or technology etc.). Thus science becomes the greatest producer of varieties within a complex society and the varieties created in great abundance here constitute the chief source of variety production in the social subsystems.

However, these evolutionary mechanisms have so far only been able to assert themselves in social evolution with difficulty. The factually operating social structures are hard to stabilize if their alternatives are available suspended on the horizon. The existence, where "there is only one way things can happen" is easier to stabilize than one where "there are other possible ways". Naturally, the former does not make evolution possible, as it annihilates the alternatives which could help it to renew.

In most earlier societies, if they were to function properly, state government was not to be questioned, truths were not to be denied and beliefs were more or less automatic. So far the West European model of modernization has been the only one able to stabilize a high degree of complexity. Today's East European societies demonstrate very well what great damage has been caused by political and social structures set up on the basis of the elimination of alternative choices and how difficult it is to recreate the evolutionary mechanisms of variation, selection and stabilization.

## **CHAPTER II**

### **The subsystems of complex societies**

If we discard Parsons analytical approach to systems and take social systems as empirically or concretely existing entities, research on delimiting them is theoretically necessitated. As described in the previous chapter, after Parsons' theory had become popular the analytical approach to systems transformed in the thinking of most sociologists, into a supposition of empirical or concrete systems where the spheres of state, science, law and economy easily identified by everyday thinking constituted the social subsystems. The concept of system was made to fit all societal formations.

However, this approach is only undisputed in everyday thinking. Theoretically it proves inadequate in drawing up the lines of demarcation within the uniform bulk of complex social formations.

#### **1. Differences in the demarcation of organizational and subsystems of society**

In modern societies, where formal organizations play an immense role in the workings of life, the boundaries of a subsystem of society coincide with the discrete organizations of the given

subsystem in everyday thinking. The boundaries of science are embodied in the walls of scientific institutes, academies and universities, those of the educational system are constituted by school walls and the boundaries of economy are represented by those of factories and banks.

Organizational detachment, however, is superficial. The actual subsystem-like separations take place at a different level and organizational detachment only follows these deeper separations approximately. Nevertheless as will be shown later, in some cases, no subsystem-like social separations can be detected behind the pronounced organizational detachments and in other cases two subsystems of society are delimited within a single organization which shows a strikingly marked detachment. (However, even in the latter case the organisational separations within the major organisation show that deep down different qualities are delimited.)

In societies where subsystem-like social differentiations actually exist behind the organizational differentiations it is no great error if the social scientist identifies them with the boundaries of the subsystems. This is the situation in modern Western societies and those built on the same model. In a number of other regions, for instance in East European societies, the organizational separations were introduced (or maintained), but the actual subsystem-like social detachment was never brought about. This is where identification with organizational detachment becomes really conspicuous, and if we supposed that such a society is unable to further develop beyond a certain level of complexity without actual structural separations on the subsystem level, because of this theoretical gap the roots of the actual problems cannot be traced.

In East European countries even during the darkest years of Stalinism there were scientific institutes and universities which were organisationally independent of the state, just as people engaged in art had their aim independent organizations. In reality, however, a single social logic acted in all formal independent organizations which spread down from the summit of power to the whole of society. In everyday thinking it was obvious that it was not science, art, law or economy that was going on, but theoretically, long after it remained unanswered exactly what makes the working social structures law, art or economy?

## **2. The delimitation of subsystems of society**

Anything that has become reality makes subsequent exploration difficult for the research worker because of the obviousness of the existing situation. It is only when "something goes wrong with the obviousness," and it ceases to function that the exploration of the mechanisms that had previously worked unnoticeably becomes possible by contrasting the periods before and after the "break-down". In Western Europe the mechanisms ensuring the separation of the subsystems of society have been working for a long time, though not without some degree of tension, so Niklas Luhmann took decades before he was able to outline the empirical delimitation principles of the social subsystems following his rejection of Parsons' analytical approach to systems. It was only from the early 80s that he was able to express explicitly the delimitation mechanisms involved and put them into focus.

A subsystem of society can be delimited by its being organized around a binary code (or an universal dual schematics). The fixed structures of actions and communications fulfilling the essential social functions promote selection according to a dual schematics in the definition of

the given actions and communications and they take into account selections conforming to further aspects of value deflected by the prism of their own universal binary code. The structures of detached science emphasize selection according to the true/false dual paradigm; in the legal system gaining autonomy the binary code lawful/unlawful and selection conforming to it is imposed upon the actions belonging to the respective subsystem, whilst in the economy the binary code profitable/non-profitable is imposed together with congruent selection.

If the mechanisms making these universal dual paradigms dominant in a subsystem of society and pushing the remaining value aspects into the background are inoperative, even the most precise organizational delimitations marking the spheres of university, art and law will remain nominal. On the other hand it should be emphasized that in the case of real delimitation of the dual paradigms the organizational delimitations to some extent follow and reinforce it **(13)**.

Let us have closer look at the question of subsystems of society and their binary code.

In most cases the exploration of the binary code belonging to a subsystem of society does not present a theoretical problem. The functioning of such a binary code can easily be identified: in the case of science it is the true/false dichotomy in art beautiful and ugly, in law lawful and unlawful, in economy profitable and non-profitable. From among the major social spheres it is in the political system that problems arise in the identification of its central binary code.

Even if in the case of the political system a designation semantically so rich in tradition as the true/false dual of science or other duals in art and law has not been formed to describe its binary code, in this area too a central binary schematism can be demonstrated which is just being developed, and which exercises a powerful effect on the selection mechanisms of all political action in modern Western political systems allowing other important aspects to assert themselves only after being deflected by its prism. Luhmann points out that the dichotomy of government/opposition is the central dual schematism of the political system in the decision selection of competitive political organizations. (Luhmann 1985 )The government/opposition diad can be demonstrated when describing political actors choice of actions by noting that for the leaders, the representatives and the press of the ruling party and for the leaders of the organizations close to it, their attitude to the alternatives of everyday political decisions and of reactions to world events, etc. is influenced by the consideration whether they can stay in office as a ruling body if they support this or that alternative with the large circulation newspapers and other media transmitting their views to several million voters, whether the consequent public reaction will decrease the number of obtainable votes at the next election. On the other hand, for the leaders, MPs and press of the opposition parties the binary schematism "remaining in opposition or taking office as a ruling body" selects the possible decision alternatives.

A competitive party system, a pluralistic press and public emulation transmitted by the media make the binary code government/opposition just as imperative in this way as the orientation according to the profitable/non-profitable paradigm for any entrepreneur.

I find the functioning of this dual paradigm in modern Western political systems convincing. However, if we apply this consistently in the exploration of delimitations within the state's political sphere, the widely used concept of a comprehensive political system should be discarded to allow the emergence of a political subsystem in a narrower sense.

In a way we have already made this distinction semantically a differentiation between politics

and public administration. The political subsystem only includes the spheres where selection according to the binary code government/opposition is dominant and decisive, first and foremost the bodies and institutions at the top of state power, the political parties and political movements fighting for them, the agencies associated with a party and representing its political interests, the political press and other organs of political publicity. Though public administration is part of the establishment, with the development of its legal regulation over the last century it has become more and more independent from the political organs, which conform to short-term political considerations, and its activities have increasingly and more and more hermetically been covered by legal regulations. So at any time the ruling party can generally only enforce their political priorities and their change in the form of regulations. A party politician-minister and the state secretaries around him receive the government offices for the implementation of their "ruling party" programme, which has by now become a government programme, but they can only get the public administration to put it in practice, if the legal formulae of the valid material of administration are changed and the new political priorities are transformed into rules of law. So a body of legal material separates politics and public administration, and the two spheres only communicate through this.

Thus public administration is not orientated by the dual paradigm of government/opposition, and if any of the party politician-ministers should wish to orientate the subordinate public administration machinery in this direction, thereby circumventing the law, an action will be brought by the affected third parties, jurisdiction will begin in the public administration and finally the machinery of the Constitutional Court of Law will endeavour to counteract such legal violations. In spite of this a number of such distortions may develop in the everyday practice of administration. Public administration, which is becoming increasingly hermetically regulated, is predominantly orientated by the lawful/unlawful binary code, as is the case with the juridical application of law in the traditional areas of law (civil and criminal law).

Consequently, if it is found that the delimitation of the subsystems of society has taken place basically in conformity with the dual schematism, one should renounce the idea of a comprehensive political system and instead only speak of a political subsystem in a narrower sense and a subsystem of law and public administration. Within these two subsystems the state as a system formation at the organizational level, adds an important delimitation to these society-level differentiations. This delimitation draws a significant line within the political subsystem: it separates the state's political bodies authorizing law-making (and controlling the public administration as well as the Judiciary) from the political parties (temporarily) excluded from the decision-making processes organizationally. With this separation at the organizational level the areas of a ruling party factually capable of implementing its party programme and of opposition parties supplying alternatives for the future become segregated within the political subsystem. It must be made clear that it is through this internal organizational differentiation that the political subsystem is able to stabilize the coexistence of state policies factually implemented at present and those of potential existence in the future. So this organizational delimitation ensures differentiation in the temporal dimension outside the social and material dimension.

Though the internal differentiations within the establishment also still draw a demarcation line in another direction, this tends to lose its importance. The issue under discussion is the splitting of the subsystem of law and public administration into two. In modern Western societies the difference between the public administration (once intertwined with direct political influence)

and the Judiciary (with, since the Middle Ages, more autonomy from politics) seems to be decreasing rapidly.

Over the last century and a half the mechanism for independent law-making under development has been putting more and more restraint on the judges' free application of law and their own law development techniques. Linking the different juridical decision levels more precisely and, quite recently, with the formation of constitutional jurisdiction, it has, organizationally speaking, made the jurisdiction of the Courts a continuous system which by now has become more firmly bound to the legal corpus prevailing at any one time. It is the state's political bodies that have, in the course of the "positivisation" of law, acquired an increasingly firm grip on the control of law-making. So the Judiciary are attached to the Corpus of Law, while control over the Corpus is in the possession of the Government's political bodies. So today only this everchanging Corpus is between them and the principle of juridical independence defends this demarcation line lone: in his decision a judge is solely bound by regulations but these restrictions are very stringent.

On the other hand public administration has been breaking away from direct policy-making and in Western societies has come under increasingly hermetic legal regulations since the second half of the nineteenth century. With the stabilization of the guarantee system of jurisdiction in public administration, the latter has acquired as much autonomy during its breaking away from politics as the traditional juridical law-making activity. Ultimately, the semantics of the separation of public administration and law is too pronounced, as compared with the realistic possibility of the two areas getting closer. Just the same, the importance of the separation of politics and public administration has not been too emphatic, even though it means a "deep-layer" delimitation: it is the delimitation of two subsystems of society.

Hence in today's complex Western societies two subsystems of society seem to stand out from the traditionally intertwined conglomeration of politics, public administration and law. However, if we have decided to follow the binary code delimitations as a guiding line in our research the delimitations should be tracked down more precisely. The situation of the law-making sphere is to be considered here. It may be stated that while we think public administration can no longer be excluded from the sphere of law, the law-making sphere, which belongs here by reasons of tradition, can only be grouped together with the sphere of law due to the lack of theoretical clarification.

The law-making sphere is an intermediate area, and as an organizationally constructed system, it mediates between the political subsystem in the narrow sense and the subsystem of law and public administration. While it promotes the closing down of the micro-processes of law in the face of political influence and the prevalence of the orientation of local activities according to the code lawful/unlawful through its special situation, simultaneously it ensures the introduction of political priorities into the Corpus of law, so political priorities get to the core of law, are transformed in the micro-processes of law and changed into legal measures.

Accordingly, the code of politics in the narrow sense that is the selection according to the government/opposition dichotomy makes its presence felt more intensely in some points in the decision selection of some of those taking part in the sphere of law-making, while in the case of other participants the search for decision alternatives and the sorting out of a number of alternatives are carried out in conformity with the dogmatic principles of law that have

developed, as well as its rules and categories of interpretation. Both politicians and lawyers take part in the sphere of law-making but for the latter the main question is not what is lawful or unlawful according to the prevailing law, but whether it should be altered or remain unchanged. The main thing to which the juridical experts participating in law-making tend to pay attention is that the new corpus should be outlined within the framework of stable legal institutions or categories.

2) In the case of the educational system, a central binary code cannot be found, even one of fairly recent origin. In this system, which has expanded over the last century and a half to involve the masses and incorporate several levels, a series of general fundamental principles and aspects of evaluation has been developed, but such a universally effective binary code, which could incorporate the selection when recruiting educationists, sorting them out and socializing those sorted out, as well as the evaluation, rewarding and sanctioning mechanisms of educationists and trainees, cannot be found in the educational subsystem.

Our hypothesis is that in the case of a basic function to be met on the society-level, such as the function of education, a sphere of action can only develop successfully beyond one complexity if several external principles of organization are combined in which case no universal binary code can take shape. In the case of education the penetration of such external dual schematism may be represented by the evaluation mechanism of science penetrating within the university sphere at the peak of the educational system. Such a tendency can be observed in the American educational system, where the position of universities and colleges is predominantly determined by their position in the order of merit of scientific reputation (their highest indicator being the number of Nobel-laureates and other pre-eminent scientists working at a given university), and determining the high-schools they are prepared to receive students from they further an order merit, in the core of the educational system which is external from the point of view of education.

In an educational unit the hierarchy of excellent teachers is soon established, but there is no universal dual schematics which would make such excellent teaching performance measurable outside school walls. The same problem is present at universities. A person may be one of the most successful communicators of knowledge for decades within a university, but the highest appreciation he might get is to have his name carved on a marble tablet or to have his picture hung on the wall of the university - beyond that he will remain unknown, as opposed to his colleague whose scientific achievements might be singular, but as an educationist he might have proved less successful.

So this dual schematism partly replaces the missing binary code of the educational system, pervading it from outside, and though it comes from an external source in respect of the basic function of education, still it facilitates the development of a relatively universal order of merit among educational units.

The educational market makes it possible for the educational system to grow in its complexity while avoiding chaos. In as much as an evaluation and an order of merit can be formed throughout the whole of the educational system due to the external "interference" of science, the free choice of school by students and their parents will follow this hierarchy and the shifts within it. So if the educational units are not directly financed and supported by the state budget, but can only be maintained by high tuition fees for the students, this situation (combined with a



free choice of schools and the competition between schools to attract as many students as possible) will lead to the development of an educational market, where the economic aspect profitable/non-profitable will provide an additional orientation to the evaluation norms present in the whole of the educational system. In this way the billions that are spent on the direct financing of education and on free education in another structure can be allocated to the socially motivated replacement of high fees by government scholarships. So the humanitarian or social aspect is not neglected, but schools will be exposed to the decisions of students who are primarily influenced by the hierarchy of reputations when choosing their schools. (As we have seen this hierarchy is in turn developed by the hierarchy of reputations in science.)

Although no internal universally effective dual schematics has been formed within the educational subsystem - at least to date - it has been able to achieve a level of complexity through the combination of external binary codes. Nevertheless, this gap may explain the rather marked organizational and hierarchical structural of the educational subsystem. In science, art, law and economy the dual paradigms present are able to provide orientation for actions, right down to individual activities and it is possible to evaluate, reward and sanction these throughout the whole of the subsystems relying on them. However, such individual autonomies cannot develop within the various educational units.

Hypothetically a theorem can be set up, namely that readiness to use the "organizational weapon" depends on how well a universal binary code can control the selections within a subsystem, and furthermore if such a binary code can develop universal evaluation and rewarding mechanisms within the whole subsystem, spontaneity, competition and the resultant specific "markets" can make better provision for evolution (the production of varieties and their sorting out), than the system formations on the organization level, which force back competition. Thus the importance of organization and market, cooperation and competition, as well as their relative proportions can be theoretically explored through the analysis of the central binary codes of subsystems.

### **3. Everyday life and systems of professional institutions**

Complex societies have been able to stabilize their complexity so far achieved by establishing multi-level system formations. For a social formation with a delimited system-like structure it is enough to sense an environment of increasing complexity in a reduced form; this in turn has enabled the formation of a highly complex society - viewed from a total societal level. In Western societies, as we have seen, the delimitation of the individual subsystems of society took place on a much more general level, below that of the organizational systems more tangible for everyday thinking. The basis of separation in a sphere of action fulfilling a social function is represented by the dominance of a universal binary code.

To have a better understanding, however, a problem not so far dealt with, must be cleared up. It is the question of the differences between the application of a universal binary code on a professional level and its application in everyday life. The dichotomy truth/falsehood or the orientation according to the dual schematism of lawful/unlawful, etc. appear in discussion among friends over a glass of beer on the level of everyday thinking, just as in a professional

scientist's questioning of reality or in a professional jurist's interpretation of regulations in a courtroom. Where should the boundaries of subsystems of society be drawn? The answer to this will decide what structures are to be searched for when exploring the existence of differentiations.

If the borderline is drawn with greater flexibility, that is to say it is understood that in the operating sociality the difference between the professional and everyday applications of binary code is insignificant, all communications orientated according to the lawful/unlawful, true/false, etc. paradigms have to be included in the given subsystem of society. But how can the permanent structures of delimitations between different subsystems be grasped in this way? The structural differentiations are ensured by the development of communities of scientists, jurists and economists specialized according to the dual paradigms true/false, lawful/unlawful or economic/uneconomic, etc. and by their own structural differentiation.

Professional selection according to the true/false paradigm, which is carried out by scientists working in highly specialized fields under structural conditions which recruited and socialized the scientist from the very start considering his degree of congruence with the respective dual paradigm and which evaluate, reward or sanction his present activities according to this dual paradigm, should be regarded as different in quality to the selections in everyday discussions according to very diffuse viewpoints, even if in some situations the selection according to one or another dual schematism may be more dominant

Hence the structural differentiations of subsystems of society have to be reduced to the level of the systems of professional institutions. In this way social structures which enforce the maintenance of the various differentiations become possible. From another angle enduring prevalence of a binary code means that in every case a host of evaluation aspects foreign to it have to be relegated to the background. If it is a question of judgement in the light of some scientific truth, you should not be influenced in judging another person's statement by the fact that you consider him a moral wreck, or conversely, almost a saint. When filling a vacancy in a university department, you should not be interested in whether the political attitude of a candidate seems acceptable or disgusting to you personally, etc. However, as we all know it is very difficult to push these considerations into the background. Only a multitude of comprehensive impersonal and coercive structures can ensure that in the majority of cases, in communications aimed at the scientific truth superficial aspects can be dispensed with and the discussions, evaluations and rewards are really dominated by the ruled generally accepted in scientific communities for judging the true/false code. From this point of view I have come to a conclusion expressly different from Luhmann's, who does not reduce the boundaries of the subsystems of society to the systems of the professional institutions, but includes everyday communications as well.

With this theoretical decisions, however, Luhmann's basic categories have been upset at some fundamental points. With the separation of everyday life from the systems of professional institutions Luhmann's "basic triad", the system levels of interaction, organization and society will have to undergo some amendment. As I see it, in the world of modern complex sociality the fundamental differentiation can be achieved along the lines of diffusion and specificity through the diffuse-compact communications structures of everyday life on the one hand and through the systems of professional institutions specified according to the binary code on the other. In this dimension differentiation does not take place along such clearcut boundaries, as is the case

between the systems of professional institutions, but the possibility of differentiation and the attachment of independent items appear or take place via a mediation sphere. A few areas in the sphere of mass communications, which emerges partly from the diffusion of everyday life and partly from journalism, a go-between connecting the systems of professional institutions and everyday thinking, can be regarded as such mediating spheres. The lower levels of formalized education, the ideological sphere or the popularized works or art etc. also serve the purpose of bridging these sharp differentiations.

The specific techniques of argumentation, semantic distinctions and modes of expression are transferred into the communications of everyday life through these mediators in the course of a process of popularization, acting against the diffusion and compactness existing therein. In such a way a subtle capacity for negation and categories suitable for finer distinctions become attached to everyday thinking. Besides the mediating agents mentioned above the role of general intellectual culture may here be underlined in the forwarding to everyday life of the specific communication techniques of the systems of professional institutions.

The difference between Luhmann's approach and mine affects Luhmann's "basic triad" (interaction, organization and society) at the system level of "society". The systems of professional institutions and everyday life mean differentiation of the system level of society and the differentiations of subsystems of society dwelt on by Luhmann could only take place in conjunction with this delimitation (and, as we have seen, accompanied by the development of intermediary spheres). Due to the correction I have made, Jurgen Habermas' division into the "lifeworld" and the systems also appears to a certain degree in my work, but with me the emphasis is laid on fairly harmonious mediations between everyday life and the superimposed systems of professional institutions unlike Habermas', who talks about the systems "colonizing" the "lifeworld" (14). If society as a system level is newly divided into two the roles of interactions and organizations will be emphasized differently. Generally speaking it can be said that the communication structures of everyday life are based to a significant degree on interactions or, from another angle, they are formed according to society-level determination. The universal standards of society are not transmitted to them directly by the systems of professional institutions, but the mediatory spheres popularizing them (mass communications, journalism, popularized works of art, etc.). Within the systems of professional institutions, however, organizational systems formation is more important, and the selection of the communications here is partly determined by the mechanisms of recruiting, socialization, evaluation and rewarding built up in the given system of professional institutions as a whole and partly by the organizational mechanisms formed by them. This is how the various interactions can take place in the systems selected specifically according to the binary code of the given system of professional institutions. (The possible contradiction between determination in a narrower sense by the organization and determination in a wider sense by the system of organizations will be discussed later.)

Summary: I find the amendments concerning Luhmann's "basic triad" acceptable - the division of sociality into interactional, organizational and society-system levels - but in addition to this I think the system level of the society should be divided into two, everyday life and the systems of professional institutions established in the course of modernization. In this dimension the division into two is not carried out along a sharp borderline, but accompanied by the simultaneous development of popularizing intermediary spheres (15).

#### 4. Inclusion and differentiation

An independent dimension of the composition of complex societies is constituted by the trends of "inclusion", first expressed in this form by Talcott Parsons in the early 60s. By inclusion he meant a circle of population widening from the point of view of the operation of the subsystems of society.(Parsons, 1966, p. 135). In Luhmann's work this aspect of the development of modernity is expressed by the discontinuance of segmentary differentiations and the functional specification of subsystems of society within the framework of a unifying world society (Luhman, 1970, p. 171).

This interpretation of inclusion means that the walls separating the small independent societies are destroyed, the exchange of goods is organized in a widening circle of population and the professional communities of the more and more specialized branches of science develop their evaluation and rewarding mechanisms in the totality of world society by using almost exclusively one or another world language. The legal differences are gradually eliminated, first when equality before law is developed within the national legal systems and later when the different legal systems begin to converge internationally. Through inclusion the same events taking place within the economic, legal and scientific systems prove decisive from the point of view of the individual, whether he lives in an particular region or anywhere in world society. Also, while the racial, national, regional or sexual, etc. differences cease from the angle of determination presented by the unifying professional systems of institutions, these external aspects will be increasingly relegated to the background from the point of view of careers within the individual systems of institutions, and anybody can get to the top, provided the selection-recruiting-socialization-evaluation and rewarding structures of the different systems of institutions allow their advancement. (Let me add in brackets that reality presents great deficiencies in the actual implementation of "inclusion".)

Besides the inclusion of population, inclusion has another dimension not elaborated in Parson's original version. An intensive extension of the individual systems of professional institutions is meant here. An extensive extension of the logic of market economy appears in the original thematization, when the organization of material production in more and more comprehensive societies and regions and the development of evaluation mechanisms are described. The logic of market, however, shows an intensive expansion as well, and in a number of Western societies it gradually conquered the organization of reproducing spheres of art, science, education, etc. outside material production. All the same science, for example, while it has developed the structures which are in accordance with its specific binary code shows a tendency to cover all the formations to be examined.

However, the question arises as to where the boundaries are limiting the extension of the power of the systems of professional institutions? In the case of science the possibility of covering any social formation seems to be problem-free. In this way everything comes under examinations and after getting back into everyday life through the intermediary spheres of popularization, conclusions drawn from the specific aspects of science will increase reflexivity and self-recognition.

In several cases, though, the spread of the logic of market tends to create rather more

contradictory effects. As we have seen and will see in more detail later, the spread of economy (that is, the logic of market) elicits positive effects in science and the educational subsystems. In the case of the arts, however, the effects in some branches are rather more questionable and the market trend may result in evaluation according to "beauty" in an autonomous artistic sense being pushed into the background. Within jurisdiction organization according to the logic of market would mostly distort the predominance of lawful/unlawful.

In modern societies the legal sphere is getting wider and wider, and in thematizing this theoretical analyses deal with it under the heading legal overburdening, emphasizing a plentitude of negative features in this trend. In a society of increasing complexity an increasing number of social formations and situations will be processed according to the dual paradigm lawful/unlawful of the legal sphere, just as according to the true/false dichotomy of science or the profitable/non-profitable code of economy.

Such a tendency to intensive propagation can be also observed in the case of the political subsystem and the dual schematism of "staying in office"/"joining the opposition" tends to include all the social feature in the political answers which promise votes at the next election. In this context, however, in Western societies since the 70's, although for a considerable time previously the expansion of politics could be observed, the party platforms which have been able to be developed into state policies have been those which pledged a reduction, in the power so of politics the "inclusion" or intensive propagation of the political subsystem is not endless.

If earlier we had raised the question where to find the limit in the mutual inclusion of systems of professional institutions, now the question could be extended and asked in the form how far "inclusion", i.e. the intensive extension of some systems of professional institutions to an intrinsic evaluation of an increasing number of social situation is to cover the structure of everyday life. As it is known Jurgen Habermas saw the main problem of the development of modern societies in this dimension: the "systems" colonize or "eat up" the terrain of the "lifeworld" (Habermas, 1981/II, pp. 192-219).

This inclusion that narrows down everyday life can actually be detected in the case of some systems of professional institutions. But much more markedly, these systems of institutions have the effect of acting against diffusion and compactness on the communications structures of everyday life. The effect of science and arts with their tendency of specification is not in most cases direct but specific methods of argumentation, aspects of selection and distinction elaborated by them are transferred to everyday life through mediating and popularizing spheres. In this case "inclusion" from the area of the systems of professional institutions practically means the "opening up" of everyday life to the mediating popularizing spheres. Following Habermas we can consider this "mediation", but this also goes together with an improvement in the self-reflexivity potential of everyday communications and with the furthering of the problems of everyday life to systems of professional institutions by an intermediary sphere (mass communications, political journalism, etc.).

Unlike science and art the systems of institutions of law and market economy have a fairly direct access to the structures of everyday life. There are no mediating spheres here. Anything which has undergone legal regulation binds the participants of everyday life with the same binary rigour as it does the professional jurist acting in the case. This firmness is only relaxed by everyday life in the areas where the enforcement of law is not founded on the initiatives of a

system of professional legal institutions - mainly in civil law. In the case of a number of legal inclusions, however, the legal practice in charge of a new situation will employ legal specialists in the new field who will be responsible for observing a given section of everyday life from the angle of lawful/unlawful. In regulating certain elements of family relationships tutelary authorities enforce the law in the course of their professional duties, just as labour-safety inspectors control working conditions professionally. Thus everyday life is narrowed down by direct interference and the dual paradigms of binary rigorousness are increasingly applied by systems of professional institutions.

Similarly, the extension of the power of the market economy exercises a direct effect on the diffuse communications structures of everyday life and the individual finds himself forced into making hard decisions in an increasing number of life situations according to the dual schematism of profitable/non-profitable. At the same time a person living his everyday life will come across partners who observe (or are forced to observe) more and more frequently the evaluation aspect of profitable/non-profitable in their decisions or choices of alternatives in different situations.

The tendency to inclusion shown by the systems of professional institutions does not simply mean the evaluation of one another's areas from their own point of view, but in certain cases a direct determination of everyday life (that is, the destruction of its given segment and inclusion in a system of professional institutions). In other cases, like in the case of science and art inclusion means only the growth of the role of the intermediary spheres of popularization between the professional systems and the communications structures of everyday life.

## **5. The double meaning of economy**

So far I have handled an instance of ambiguity in the concept of "economy" in parentheses and discussed the system of economic institutions and its dual paradigm of profitable/non-profitable in the same way I discussed the system of institutions of science and art together with their dual paradigms. Looking closer at economy it soon becomes clear that it cannot be fit in beside the other systems of institutions quite so easily.

Considering this problem we have to go back to Karoly Polanyi's analyses, which distinguished between two independent meanings of economy following Carl Menger. Polanyi indicated that distinction should be made between the interdependences covered by the concept of "economy" relating to the production of material goods, which can be found in all societies in some form and the interdependences of formal economy, which exists only if production is organized according to the market logic of the exchange of goods (Polanyi, 1976, pp. 202-203).

Polanyi only distinguished between these two meanings of economy to point out (relying on a fairly comprehensive theoretical foundation) how transitory and insignificant historically is a period represented by the existence of the interdependences signified by the second meaning of "economy"; the increase in government interferences in the past few decades (New Deal, etc.) already indicate a gradual disappearance of the interdependences of formal economy.

I feel inclined to take over this important finding of Polanyi's in the distinction between these

two meanings of "economy", but with the idea of developing his initial statements in a diametrically opposite direction. As a matter of fact, Polanyi has misinterpreted the advance of government interference in modern "capitalist" societies and drawn the conclusion of a gradual elimination of the logic of market from these tendencies. Even if "capitalist" government interference used to have and still has a deteriorating effect on market, the main rule is that this interference will never destroy the orientation of the whole system of economic institutions according to lucrativeness, but using monetary means it will indirectly transfer the priorities of government policies into the determination of the production units extant on the market interfering in the market processes. After a certain degree of complexity has been developed in the Western societies, this kind of government interference has been restricted over the past ten years. Besides a renaissance of the market, the socio-political arsenal of the state has given preference to means subsequently performing compensation or corrections instead of applying those previously used which restricted or suspended economic rationality.

Contrary to Polanyi's predictions market rationality in complex Western societies, is not dying out. The other example cited by Polanyi for the extinction of market, the East-European centrally planned economies, have also proved that above a certain level of complexity, it is not possible without spontaneous self-regulation of the market to raise the level of production.

It is much more important, however, that the logic of formal economy has survived not only in the area of production, but for the past five decades in the university and scientific spheres (huge areas despite their disintegration), the sphere of arts with its mass appeal and a number of other fields have partially been organized according to the rationality of market. Today this extension of the market makes it conspicuous that a repetition of substantive economy, described by Polanyi as formal economy, has been replaced by a gap rather than by something similar. It is becoming evident that it is not a question of two sides of the same thing **(16)**, the sphere of production has grown to be enormous and complex and it could only develop above a certain level if it were reliant on market rationality.

Economics, which took shape gradually, established too close a connection between the aspects of production and market cultivating a common semantic pattern, while elaborating the interdependences of production and those of market rationality, the latter having been for a long time restricted to the former. This is the relationship Polanyi started to analyse with his distinction. In the meantime market rationality spread to a number of spheres and in this context the inner complexity of the individual spheres is often ensured by the cooperation of the intrinsic evaluation mechanism of the given system of professional institutions and market orientation. So Polanyi's distinction can be made more radical, and it should be supposed that below the systems of formal economic institutions, which were elaborated with growing precision in the last century, there is also a specific evaluation mechanism operating in the area of material production. The evaluation of market rationality can organize material production, whose complexity has by now grown immensely only with its help. Hypothetically it may be stated that the intrinsic evaluation and rewarding mechanism of production is predominantly based on the value in use and the intrinsic evaluation of material production is constituted by advertising, the prestige hierarchies of the brands of products and companies trade marks and these hierarchies' reshaping mechanisms. On the other hand, the market connections based on exchange value receive more emphasis in economics and the previous evaluation has only been examined narrowed down, too closely subordinated to this formal evaluation.

Radicalizing Polanyi in this way, it is only the system of institutions of material production in a substantive sense that can be linked with the systems of institutions of science, art and education; the interdependences and systems of institutions of formal economy are organized on a more general level as compared to the previous ones.

This finding will also make its presence felt on the level of the basic distinctions we use. As we have seen, to get a better understanding of the organization of sociality, besides distinguishing organizations and the system levels of society I have divided up the system level of society into the diffuse/compact structures of everyday life and the level of superimposed systems of professional institutions among some of which the evolving of mediating spheres of popularization can be observed. With an even finer approach to this structure, the level of the systems of professional institutions is now to be divided up, and economy taken in a formal sense should be interpreted as a comprehensive system embracing several systems of institutions that does not exist separately from them but comprises the internal aspects of a number of systems of institutions. Cooperating with the intrinsic evaluation mechanism of such systems of institutions makes the stabilization of their great complexity possible.

In the next chapter I'll examine more closely the systems of professional institutions where a rather general market rationality plays the part of one of the evaluation mechanisms.

### **Chapter III**

## **The double rationality of the systems of professional institutions**

As one of the results of our investigations we have rejected the application of the concept of subsystems of society to describe the differentiation of the system level of society as it did not properly express the differences between the applications of the binary codes in the systems of



professional institutions and the communications of everyday life. Introducing this finer distinction, however, we can see that the theorem of differentiation has so far been able to gain ground quickly as without any further explanation, most people had it in mind when they talked about the delimitation of the subsystems of science, law, politics, etc. After the clarification these subsystems will be called systems of professional institutions.

Now we must take a closer look at their internal composition, their evaluation mechanisms and their structures which ensure separation from each other.

It is possible to talk about the existence of a rather general system of professional institutions above the organizations of the organizational system level, if an area of social communications comes to be organized around a binary code or an universal dual schematism. Such an arrangement will only take place around a fairly permanent social function though, as I have indicated in the case of education, a central and universal binary code has not always developed to meet all social functions. Naturally, the communications area around such a function can only develop into a system of professional institutions above the mere organizational system level if it can utilize an external universal binary code. This in turn reduces the possibility of its autonomy and it will prove unable to exceed a certain degree of complexity.

The main aspects of a system of professional institutions are constituted by the recruiting mechanisms of the professional participants communicating according to the given universal binary code, the mechanism of selection applied to recruits, the special socialization mechanisms of those selected in accordance with a central binary code and by the mechanisms evolved to evaluate, reward and occasionally sanction the communications of fully-authorized participants. If a selection pattern conforming to a universal binary code has come to figure prominently within these aspects we can talk about the creation of a system of professional institutions on a more general level beyond a merely organizational system development.

Besides the dominance of its intrinsic universal dual schematics or binary code the creation of such a system of professional institutions also means that the other evaluation aspects in society and their binary code gradually become of secondary importance and they can only exercise their effects in the selections of communications within the systems of institutions after being deflected by the prism of their intrinsic universal dual schematism. Two important exceptions should be made: one of them concerns the binary code lawful/unlawful of the legal system. If this dual paradigm affects some of the decision alternatives raised by the professional communications in question it cannot be left unregarded nor can it be applied "deflected by the prism" of its intrinsic binary code. That is to say for example that a participant in economic communications has to reject the unlawful but profitable alternative - the machinery of law enforcement may even force him to do so in the case of any legal infringement.

Another exceptional dichotomy is represented by the binary code of the system of the institutions of economy. As we have seen economy as a system of institutions is located on a different level from the other systems of professional institutions. Economy is not organized independently, but cuts through a multitude of other systems of institutions it built out its own system of institutions, evaluating some of their aspects according to the binary code profitable/non-profitable. It is in the system of material production that decision alternatives are most likely to undergo the evaluation "profitable/non-profitable" to the greatest extent, but in a number of aspects defined within other systems of institutions the decisive evaluation angle is

that of "profitable/non-profitable" instead of their own central binary code.

How far can this binary code of economy curtail the autonomy of the systems of professional institutions? Anyone guided by a communistic vision or a follower of Polanyi might conclude that early capitalist development raised the organization of social reproduction to a high level by making the exchange of goods universal, but today the structures of the autonomous evaluations formed, accompanied by the dominance of the value aspects of lucrativeness, burst open this external fibre and economy is being ousted gradually from one system of institutions to another, continuously shrinking, and a complex society without a market rationality emerges.

I consider the role of market rationality to be just the opposite, and in the case of a few systems of professional institutions I regard the successful enforcement of their intrinsic central binary code to be ensured only token accompanied by a parallel evaluation according to market rationality. Let us first take as an example of this the organization of the sphere of science.

### **1. The double rationality of the scientific-university sphere**

In this system of institutions the structures arranged around its intrinsic universal binary code can easily be identified as they emerge in various different locations. The earliest signs of the professionalization of "gathering knowledge" can be observed in the era of the Renaissance after the Greek and Roman initiatives. First they appeared in the Italian city-states, later the patterns and institutions developed here spread to Western Europe.

With the specialization of the roles of scholars and of scientists and the separation of the aspects of science and art rather well-defined circles of communications were formed, in England in the late 17th century, then in France and finally, in the 19th century, Germany became the centre of scientific life (Ben-David, 1971, p. 52; Munch, 1984, p. 125). In the course of this development investigation was narrowed down to the evaluation aspect true/false and it was within the rather closed scientific circles, which distinguished themselves from the diffuse communications structures of everyday life, that it was to be defined what could be considered true, what proofs of validity and what sort of arguments were required for the specific scientific circle to regard a statement as a scientific truth. From the isolated academies of scattered communications communities and their connections based on private correspondence modern science set out to form a coherent system of institutions and while the evaluations and motivations offered by the structures of everyday life proved unsatisfactory for science the development of a firm internal evaluation and rewarding mechanism was to be observed. For a scientist the evaluation and recognition of his fellow-scientists had become decisive and from then on a professional researcher had to be motivated by the possibility of winning this recognition.

Within science the original theorems set up by scientists as individuals and accepted to be true by the scientific community became the basis of evaluation and rewarding (Merton, 1973, p.358). No matter how much intellectual work a scientist had invested in the exploration of a truth and however, creative and intuitive he had had to be, if he chose to publish a short description of his findings any of his fellow scientists or even laymen could then make use of them. The main rule was that a scientists enjoying scientific priority was to get the recognition of the scientific community.

Scientists producing original scientific theorems acquire a scientific reputation as a result of the recognition, and the reputation hierarchy of an era can be clearly made out from the scientific titles, positions, quotation indicators, etc. The increasingly complex scientific communications had by the 20th century created a multitude of scientific journals, whose rivalry, and the fact that they disclosed alternative scientific statements, increased selection according to the true/false binary code when the communications within the impersonal scientific community were evaluated. Reputation hierarchies were formed among the journals publishing significant scientific revelations, just as among the scientists producing those revelations. With the selection of studies flooding into the journals of high reputation evaluation according to the true/false code absorbed a new pattern.

For a scientist scientific recognition and the ensuing reputation are the chief sources of motivation in his undertaking research work but the same reputation hierarchy provides reference points for orientation within the now highly complex life of science. Which journals should a research worker keep an eye on out of the thousands of journals in his narrower field of study, the papers written by which of his colleagues should he read out of the thousands of books? Which ones should he pay special attention to? Similarly, the reliable reputation hierarchies make work for a young researcher a lot easier.

Science, which has become embodied by a system of professional institutions, does not only perform evaluations and rewarding according to the true/false dichotomy and register them structurally in the hierarchies of scientific reputation and their superficial indicators but also organizes the socialization of the selected and accumulates the reputation of scientist candidates along the lines of its central binary code.

From the 19th century onwards the German university model created universities suitable for integrating scientific research, and this model was to spread to most developed societies. The corrections applied by the American university model - itself an improved version of the German model - were only to make the connections between universities and science more intensive. As a basis for recruiting future scientists it is important that in the last phase of university education the subject matter of instruction should condition the students for future research. This may take the form of a "graduate faculty", as in the United States or postgraduate courses which are loosely connected to university training to develop future scientists (See Parsons-Platt, 1973, p. 362). In the course of scientific education the examination systems, the judgement of dissertations, etc. aim at selecting future scientists according to their scientific qualities (at least structurally), while students are also expected to become both aware of the rules of ethics in science and socialized in the world of science in the course of their scientific training.

Thus the intrinsic evaluation patterns in the world of science are based on the creation of original scientific theorems and these are represented by academic titles and positions, lists of publications, evaluations published by highly respected journals, by quotation indicators, etc. How can a totally different aspect of evaluation, the evaluation according to profitability, operate together with these patterns? It is worth examining the scientific life of the United States, where this can be studied in its clearest form.

In the world of American universities the maintenance of the universities is decisively a

function of the number of students applying for admission: without high tuition fees and state support paid in proportion to the number of students attending the university the universities, or at least their money-losing departments (or those deserted by students) would have to close their doors (Parsons-Platt, 1973, pp. 286-289; Ben-David, 1971, pp. 126-150). The leaders of universities are primarily under the pressure of the logic of the university market and they aim at winning over scientists of great scientific reputation, preferably Nobel-laureates, due to economic rationality. The hierarchies of scientific reputation, the Academy memberships and the allocation of Nobel-prizes, etc. are, on the other hand, preconditioned by a totally different evaluation mechanism.

The sociological school of science starting with Merton (Hagstrom, Storer, Glaser, etc.) explored the priorities of scientific discoveries, and the evaluation and rewarding systems of the various fields of knowledge which record the original findings in scientific publications as well as the frequency of quotations, the Academic positions, the prizes and the reputation hierarchies of scientific journals, which are all surface indicators of the evaluation and rewarding systems. The specific evaluation mechanism of science is constituted by the latter, and they are differentiated from the evaluation aspects of achievement of an ideological, moral or political nature, and also from an approach suggested by the primary economic aspect of profitability. For the university managers this specific scientific evaluation appears as an external facility. They think the scientific reputations of the university have to be stepped up or at least maintained so the university can attract students (with the high tuition fees and the state subsidies accompanying them), preferably the most gifted ones who could be expected to add to the reputation of the university with their future achievements in practical life, thus contributing to an increase in the number of students. In this way the university manager is orientated by economic rationality in the competition between the universities, and this is why he makes efforts to attract a scientist who has been appreciated by an evaluation mechanism working independent of his own to his university, and this is why the scientists receive a higher than average salary, scientific assistance, more than one secretary if the need arises, as well as the financial means needed for research. (And any distinguished scientist who will obviously go to the university where the conditions are best for him.)

At German universities the situation is not quite the same. In the German Federal Republic the state has shouldered the financing of universities over the past 40 years and the students have to pay only a nominal fee to the university or college - if there are sufficient social reasons they can study completely free of charge. In comparison with the average Western states the competition here is rather marked as in Germany, which was disunited for several centuries, a host of towns of similar size and importance came into being, and in them were a number of universities with great traditions. This is quite unlike France, England or Austria, where Paris, Oxbridge and Vienna unquestionably became the centres of learning, not to mention the capitals of East-European countries! In these areas, however, one of the mechanisms of self-organization in the sphere of science and universities, that of the university market, has ceased to exist. The rivalry between the German universities still exists, although for reasons of local prestige, the obligations imposed by traditions and a number of other causes, it is not really strong and it urges the leaders of universities to make efforts to win over scientists with high reputations but - at least at the faculties of social sciences and the like - the predominance of particular or personal evaluations and advantageous positions due to the candidate's political attitude can still be detected in the assignment of tenures and the provisions of scientific assistance.

As a matter of fact, attracting or retaining professors with the highest scientific reputations is no longer vital. If such a professor goes to another university and as a consequence the number of students joining the faculty in question decreases it presents no problem for the university. As long as acceptable explanations can be given to the bureaucracy of the ministries of education financing the universities and to their political ministers for the decrease in the number of applicants (e.g. the temporarily high unemployment rate among the young graduates in certain fields of study, the effects of a demographic low, etc.), the state grants will continue to be assigned even in the case of a drastic reduction in the students' numbers. In this situation evaluations based on personal likes and dislikes (which do not play an important role when the harsh budget restrictions of the university market are in operation) become dominant as a result of the differences in power due to the gift of some professors of building up cliques and taking dominant roles in the university leadership. Similarly a point not to be overlooked is that the distribution of university teaching staff according to political dimensions distorts the predominance of the hierarchy of scientific reputation in the assignment of professorial tenures and the evaluation according to scientific performance when assistance and research funds are allocated to nominees. In the faculties of social sciences and related subjects at a conservative rightist university a scientist known as leftist by both the public and the scientific community has little chance of being appointed to a professorship, which is precisely the case with a conservative or apolitical professor, who may be at a disadvantage at a sociological faculty which is dominated by people of activist or leftist tendencies. In the political atmosphere thus induced, which is further reinforced by the active political life of the students on the campuses, people keenly anticipate the departure of the professor with opposite views, however, well-known he might be world-wide.

However, this situation affects the mechanism of scientific evaluations as well. If the climate of opinion within a science is biased towards leftism and moralizing, the reputation of and publicity about the scientist (the discussions over his works, the number of his followers, etc.), who is of an identical standpoint and is often ready to make moralizing statements of national appeal in public, will be disproportionately greater than his scientific performance. On the other hand, if he is of a different political disposition or simply non-political and is not ready to make public contributions to political or moral discussions, the appreciation of the scientific community, the scientific prizes expressing this or other superficial indicators or reputation will all lag behind his actual scientific performance. The same phenomenon occurs with opposite distortions, if the political dominance is reversed.

The specific evaluation mechanisms of the scientific and university sphere, the hierarchies of scientific reputation, are not simply supplemented by the evaluation of the university market and the scientific market according to economic reality, but if the latter stops functioning, after a period the functioning of this specific evaluation will involve more and more distortions and become influenced by a host of random factors.

## **2. Further cases of double rationality**

A cooperation of the two kinds of evaluation mechanism can be observed, though besides the

positive traits there are a lot of problems as in most areas of art.

The specific evaluations within the system of professional institutions of art, the judgement of "artistic beauty" in different eras in the various fields of art have been institutionalized by works on aesthetics, expert revisions of manuscripts, juries passing judgements on works of art and by the selections of literary journals (Luhmann, 1981, p. 252). This evaluation, just as in the case of the intrinsic evaluation schemes of science, is expressed in the reputation hierarchies within a given period's artistic community, by their surface indicators, in the order of prizes within the different branches of art, the viewers' indices, etc.

A strict adherence to this evaluation mechanism, the realization of evaluations where all aspects of appreciation besides those of artistic beauty are done away with are only imaginable with some degree of distortion. Our experiences so far in East Europe, where the logic of market in art has been suspended for decades and art has been directly financed by the state, show that in these circumstances particular interests, the gift of building up cliques and maintaining connections with the state as a financing authority have distorted the specific evaluation patterns in art. Of course, in Eastern Europe the state financing of art has also for a long time distorted the evaluations according to "artistic beauty" because Stalinist art policies forced art to glorify certain political objectives directly and rewarded or paid the artists according to their conformity with these expectations. On the other hand, these days - in the absence of institutions of independent political articulation - it is literature especially that has taken up the task of discussing social political questions publicly. The ability to do so and the success achieved are extrinsic in relation to artistic value but even if the existence of a democratic and legally regulated public administration is assumed it is questionable whether the replacement of a market mediating the value judgement of the public, of the "consumer" or of art by direct state financing would not entail negative effects in objectivity in intrinsic evaluations of art.

In this respect, however, there is an important difference in the relationship between professional art and everyday life and that between professional science and everyday life. In both cases a mediating sphere of popularization developed, which by introducing them into everyday life, transformed and popularized new distinctions, new approaches and new phraseologies or categories which had become incomprehensible for the participants of everyday communication due to specialization within the systems of professional institutions. However, distinction should be made between connections between evaluations within the individual systems of professional institutions and everyday appreciations. In the case of science lay people consider themselves unsuitable to pass judgement, and although it is possible for them to understand popularized science, they will appreciate scientists who have worked out given scientific theorems and have been held in high esteem within the scientific community. They will send their children to study at universities which employ such scientists, etc. In the case of the products of the sphere of art, however, the intrinsic evaluations are not respected by the wider public who for the most part set a higher value on the products of popularizing art. The rationality of market introduces this element in the internal structure and in selections of the system of professional institutions and it will distort the mechanisms of rewarding and evaluation. The tendency in internal artistic evaluations to precondemn any effort at popularization and the suspicion aroused by all works of art that have become popular should be interpreted as reflexes of self-defence.

Ultimately, because of the problematic connections between the intrinsic evaluations and those

of everyday life the rationality of market cannot enforce and add to the intrinsic evaluations in art so optimally as is the case with science.

As regards the system of education, the double evaluation pattern may be more harmonious, because as we have seen in the previous chapter it is the evaluations of science mediated by the university sphere that directly suggest the patterns valid in the whole of the educational system and the influential power exercised by profit-earning capacity in the market can assert these hierarchies.

It might be of some interest at this point to raise the question of the evaluation problems in the system of professional sports institutions. In the last few decades the number of professional participants in this sphere has multiplied and their activities are watched and appreciated all over the world. How far can this be regarded as a subsystem of society formation beyond the development of the system of organizations which has evidently taken place? Is there a central universal binary code extant in this sphere which dominates the mechanisms of recruitment, selection and socialization together with those of evaluation, rewarding and sanctioning in the organization of professional sports activities?

While semantically no uniform binary code has developed, although the intrinsic evaluation mechanisms can clearly be identified in the highly objective performance indicators within the different branches of sport, in sports magazines, sports columns and in the works of sports writers which cover the whole subsystem in their evaluations. And perhaps below the standards of "fair play" (which are generally agreed upon) the dichotomy of "win or fall out" ensuring a "tough binary" evaluation and dominating the selections in the whole sphere of professional sports is in operation, even if it is not emphasized semantically.

This intrinsic evaluation pattern can only be increased by the evaluation of the sports market according to the profit-earning capacity involved. On the other hand if sports clubs, associations or teams are freed from the influential power of the sports market, this role being taken over by direct government financing, reasons of personal prestige (so far latent) and the effects of other particular factors will reduce the organizational power of a sports reputation hierarchy based on actual sports achievements and the evaluation mechanism itself may be distorted by evaluation aspects unrelated to sports. (It is not only a question of the reputation hierarchy based on sports achievements failing to set up a selection within the sphere of sports, but also the fact that the composition of the hierarchy itself is a result of extrinsic evaluations.)

In the case of sports there is no gap between professional and everyday evaluations, as there is in art. The evaluations of sports fans may not always be as refined as those of professional sports specialists, but their competence and judgement is not markedly different. In this area the agents of popularization are not in a position to deprive the very best from their success in order to enjoy it themselves via the market.

In the cases of a number of other systems of professional institutions such a close connection cannot be experienced between the intrinsic evaluation mechanism and the evaluation according to profit-making capacity offered by the market. Within the sphere of law, for instance, the lawful/unlawful code dominates and the appeals to higher tribunals, legality supervision and the revisions of the Court of Constitution are all aimed at removing the subjectivism of judges or other enforcers of law from the operation of this specific dual schematism. The financing of the

legal service (government-financed free legal assistance or financing by the party losing the suit, etc.) does not influence the meritricious functioning of the dichotomy "lawful/unlawful".

Likewise, seeking a solution to the problem of financing is not such a matter of urgency within political systems as it is in the life of universities, science or sports. Within the modern Western political system, in the narrow political sphere (the political parties, the political organs of interest, party press, parliament and government) a specific binary code has developed, which makes its presence felt more and more clearly in the decisions of parties, parliamentary factions and the government, in the selection of news in the party press and the emphasis on certain events: staying in office/going into opposition - reversed in the case of opposition parties, parliamentary factions or press organs. The competitive party system, parliament which is based on parties (and the whole state hierarchy subject to it) as well as government dependent on the confidence of the majority are all watching out for the next elections. When making political statements, discussing bills in parliament, giving preferences to one or another political alternative, etc. they consider the increase or decrease of their chances. In ethical or moral issues, judgements of justness or social political decisions the aspects of economy assert themselves only deflected by the prism of this code. Even if a decision alternative in economic policy should later prove to be disastrous from the point of view of the national economy, the government in office at the time or several of the parties that wish to become ruling parties will support the idea if the group represents an influential section of the public opinion and if support for the group is likely to attract more votes at the next election. This is the specific binary code of the activities within the political sphere and it is not affected strongly by the way the parties, the press, the government offices and other political organs are financed, as are the binary codes of the subsystems of society previously mentioned - at least as long as the conditions of competition are maintained. This is to say that as long as several parties have the same chance to assume government power the political press will remain pluralistic, etc. The same holds true for public administration. For the past century it has exhibited patterns of increasingly hermetic legal regulation, where the dichotomy of lawful/unlawful dominates as an evaluation mechanism and the way of financing is a self-contained dimension of value independent from this. This means that if a decision alternative in public administration "would bring more profit" than another according to economic judgement but is illegal from the viewpoint of the respective regulations the authorities in public administration should not make this decision and the courts of the establishment or those of the Law of Constitution may subsequently force them not to do so.

## CHAPTER IV



## **The alternative thematizations of social structure (Habermas, Munch, Luhmann, Lukacs, Parsons)**

In the present study the basic categories of my disquisition have been taken mostly from Luhmann's theories elaborated up until the mid-70s, through my corrections I have got nearer Jürgen Habermas', Richard Munch's and to a certain extent Georg Lukacs's ideas concerning social structure at several points. However, my conceptual structure continues to remain basically Luhmannite, and so quite often the similarity to the other theories mentioned is only superficial. A turn may be observed in Luhmann's theoretical development in the past few years as he has incorporated the category "autopoiesis" in his theory and this creates a considerable gap between his earlier and present work affecting certain important points. This is important for us here, because my present corrections affecting Luhmann represent differences exactly opposite to those he developed as a result of his conception of "autopoiesis". After all, there are marked conceptional differences between the present discussion and Luhmann's today's interpretation of social differentiation. So at the end of this Chapter I will describe Luhmann's conception of an autopoietic social subsystem, contrasting it with his earlier view which constituted a starting point for me.

### **1. Jürgen Habermas: instrumental rationality and "life world"**

Habermas backs up the scepticism concerning modernity gradually gaining ground in the intellectual strata of Western societies, with a comprehensive theoretical and conceptual apparatus putting communicative rationality at the focus of his social theory and contrasting it with instrumental rationality. His analyses of rationality are mainly founded on Max Weber's premises and he arrives at the concept of communicative rationality through reshaping them critically.

Habermas starts analysing Weber by considering "action theory". Accepting Wolfgang Schluchter's suggestion, he sees a single type of action behind Weber's typology of action (action of means/end rationality, value rationality and affectual as well as traditional action), to which can be traced back all the rest, including sub-categories. This type of action is that of means/end rationality (or instrumental rationality). Having the value horizon in mind the actor here chooses an end and considering the possible collateral consequences he sets up adequate means and series of activities in conformity with the end. In other types of action the actor continues to follow this model but the factual elements he embraces with his consciousness undergo gradual restrictions. An actor following value rationality does not consider the incidental consequences; in the mind of the affectual actor not only collateral consequences but also value premises are suspended, and finally the mental processes following the action of

traditional rationality push aside not only the collateral consequences and the value premises but the end to be achieved (which would determine the action) as well (Habermas, 1984, p. 459). That is to say, this typology of Webers is not a typology: without actually referring to his source Weber considers teleological action (an axiom in European thinking since Aristotle) as a characteristic of human action and he expounds his quadriple typology based on this action model. When accepting this teleological action model Weber starts from the idea of a uniform world, where the elements of instrumental rationality have become institutionalized. Accordingly, he interprets the development of modernity as the victory of means/end rationality.

Using Karl Popper's categories Habermas extends Weber's rationality analyses at their cardinal points when he approaches the structures of reality by dividing them up into three autonomous worlds. Besides the objective world, as we generally understand it - the world of objects where orientation takes place through a cognitive attitude - he distinguishes the social world (the world of normative and value-oriented relationships between people) and the subjective world (the world of the internal subjectivity, convictions and thoughts of the individual), Habermas thinks that with this approach new aspects of social reality can be thematized, while with the traditional "single world" concept the social-normative sphere and the world of subjectivity firstly will be distorted if they are to be analysed through the aspects of cognitive rationality of the objective world, secondly, cannot be grasped in their total complexity.

Disregarding its ontological extension, Habermas finds Weber's concept of teleological action (with its unexplained origin) also rather narrow from the viewpoint of action theory. Human action has other aspects, too, which will evade investigations in this way, although they also undergo changes in the course of modernization of society. Besides teleological or instrumental action (in other words, cognitive action or action following the means/end model) Habermas distinguishes action of normative rationality and dramaturgical action, which expresses internal subjectivity (Habermas, 1981/I, pp. 127-129). Habermas detaches these aspects of action from the standards of value set to measure teleological action upholding the "three world" concept, and thinks the true/false evaluation categories of the objective world are only suitable for judging teleological action. The action of normative rationality belongs to the social world while the dramaturgical or expressive action embodies the subjective world. All human action can be judged/criticized, improved or rationalized from aspects of all three world, although quite frequently there is one dominant feature explicitly manifested in one kind of action. An actor always performs his action as member of a specific group of people or community and in this relationship he behaves and is expected to behave in a way conforming to different norms than at the time when he approaches world events cognitively as an individual following the means/end schema, so from this angle his action will not be judged according to the degree of means/end rationality. Similarly, the relationship between external action and internal subjectivity of the actor is often a matter of analysis: in this case action will be judged according to the degrees of sincerity.

Habermas argues that rationality analyses have so far only considered the means/end rationality aspect of human action open to criticism and they have examined the changes in social institutions solely from the aspect of means/end rationality. Other aspects of action, however, can be rationalized just the same and there are many signs indicating that they are rationalized. Since the development of the Freudian psychoanalytic therapies one of Habermas' examples has been the outcropping of the subjective world and the methods of expressing subjectivity. He includes in this domain the possibility of improvement in the expression of subjectivity in

criticisms of art.

So breaking away from the model of teleological action Habermas explores two independent dimensions of rationality besides the instrumental/cognitive rationality, and which cannot be traced back to it, the moral/practical rationality expressing the social element in action (and the institutions representing it) and the aesthetic/practical rationality evaluating the dramaturgic element in action (Habermas, 1981/I, pp. 448-451).

In order to describe communicative rationality Habermas also starts with considerations of action theory. It was in the trends of phenomenological sociology and symbolic interactionism that the identification of discourse aimed at thematizing the activities of value analysis and understanding in order to define situations either explicitly or implicitly in the case of joint actions became fundamental. Discourse is aimed at understanding or agreement and people acting in real situations carry out activities of this kind before their important actions. So discourse or communicative action can be interpreted as some kind of "preliminary act", which precedes effective action (instrumental, normative or dramaturgic) carried out in the objective world.

Habermas takes another few steps from discourse to communicative rationality. Based on Max Weber's writings he distinguishes success-oriented and agreement-oriented action according to the intentions of the actors. This is what Habermas calls Weber's "unofficial" typology of action when he finds the "official" quadrupole classification already described too narrow. Communicative action is of the agreement-oriented type and this form may be taken by the dramaturgic or normative action if a discourse (or ideal speech-situation) develops between the participants with the view to coming to an agreement over subjectivity, the valid norms and values, as well as the concrete activities to be derived from them. Instrumental action is success-oriented by nature, so it is unsuitable for communicative action but for the sake of success even such action may be - and in the case of actual doers often is - preceded by understanding and agreement-oriented activity, which appears to be disjunct from the instrumental role and the mutual agreement between participants will become emphatic. Habermas calls this conversation - agreement-oriented preliminary action preceding instrumental action.

In the next step Habermas transgresses the starting points of action theory and introduces the concept of "life world" as a social or structural correlate of agreement orientation. With Alfred Schütz this notion covers the unexplained background knowledge of the participants of joint action - this is the world of "matters of course" in the judgement of situations, which makes the coordination of activities possible even without complicated checking procedures. "... >>life world<< (Lebenswelt) can be interpreted as a linguistically organized set of patterns passed down to us through cultural channels" (Habermas, 1981/II, p. 189). Habermas hides this epistemological andgnose-sociological conception of "life world" behind Durkheim's analyses of collective consciousness and interprets the differentiation processes of collective consciousness emphasized by Durkheim (the differentiation of the components personality, society and culture) as the rationalization of life world.

In this sense "life world" covers the community aspects of society in accordance with the dichotomy of "Gemeinschaft-Gesellschaft" elaborated by Ferdinand Tönnies. In societal communities agreement-orientation is the dominant feature. A success-oriented cognitive or

instrumental approach here would mean the destruction of the communities.

Habermas emphasizes it from a different angle, that the motivation energies of individuals in society (which are fundamental even in means/end-oriented action or in the case of actors systematically and consciously adopting a way of life of instrumental or cognitive rationality) are recreated in features representing the "life world". It was due to the stimulating energies of fundamental normative and value-oriented motifs that the activities of Protestant entrepreneurs in early capitalism could become dominated by the instrumental or cognitive dimension in their ascetic way of life. Invisible and unthematized structures of a community "life world" are operating, and the cognitive/instrumental surface structure of modern society is built on their base.

So the contrast between communicative rationality and the instrumental/cognitive rationality is expressed on the level of societal structure in the diadic schematism of the structures of life world and the system-like features developing on their foundations and following the means/end rationality. Having developed this conceptual construction Habermas repeatedly evaluates the rationalization trends of European modernization to date as well as the alternatives of possible future development.

Like Weber he sees instrumental rationality taking shape more and more characteristically within modern history in economic development built on the logic of the exchange of goods, in the development of formalized modern law, in the formation of public administration separated from politics, in scientific research showing a high degree of organization and in the mass propagation of formalized education. But on the other hand he interprets the individualization already indicated by Durkheim, the tendency to abstraction in the development of norms and values, the founding of ethical control on abstract principles as well as the formation and development of the reflexive capacity of individual consciousness and those of the mechanisms promoting it (the forms of political participation and discourse, certain aspects of journalism and mass communication, etc.) as a parallel emergence of communicative rationality.

Evaluating the future chances of societal modernization with this conception, Habermas surveys the possible lines of development more optimistically. It is well-known that Weber regarded the development of the modern world and the increasing role of bureaucracy behind the efficiency of rational economy, law and public administration as the main danger threatening human society. He depicted the picture of a "house of servitude" as a possible end point of development where most of the achievements due to individual freedom will be withdrawn. This is what Horkheimer and Adorno drew on when they expounded "the Critique of Instrumental Reason", which stigmatizes the whole Western development as a "dead end" of civilization (Axel Honneth, 1979).

Having outlined communicative rationality Habermas finds this diagnosis of the future too pessimistic. To him, too the evolution of instrumental rationality, plays the dominant role in modernization but in the institutions of modern law, public administration, science and education dominated by instrumental rationality he detects, though subordinately, the rationalization of communication patterns aimed at agreement or discourse.

The institutions of modern societies show an increasing tendency to differentiation and specification, and in order to achieve success they are becoming more and more standardized

and sophisticated. However, life world and community features can still be detected in them, as surviving and developing elements.

In this way Habermas is optimistic in judging the trends of modernization, but he also draws attention to the deadlock of modernization outlined by Horkheimer et al. describing it as a real danger. In the Western development of the last few decades he thinks even the mutilated communicative structures have become endangered. The aspects of instrumental rationality tend to deface and destroy the remaining "nests" of community spirit and this may not only step any further evolution of communicative rationalization but also main the invisibly operating basis of instrumental features - with the removal of intimate community features the motivation energies of the new generations, the indispensable latent value stocks even an instrumental way of life cannot do without are destroyed, because of which a modern individual is prepared to assume a systematic instrumental regime. In early capitalism the ascetic Protestant entrepreneur, who systematically shaped the days of his life according to the instrumental/cognitive standards in order to achieve success, agreed to lead a hard life in exchange for salvation. After the explicit religious convictions had faded, the performance-oriented way of life in subsequent generations was ensured through the transfer of norms, values and attitudes by the sphere of socialization. However, there should always be something to serve as a background for the adoption of instrumental attitude and this basis of motivation has to be continuously reproduced.

Habermas says the problem does not lie in the trends of instrumental rationalization but in the circumstance that the social subsystems developing in this line are starting to assume functions that belong to the area of life world. So the instrumental subsystems "colonize" the life world and gradually destroy the reproduction areas of motivation energies - the family and the other natural community features based on intimacy; they relegate the normative ties of society into the legal sphere and the earlier intra-familiar functions are replaced by the bureaucratic and monetary services of a welfare state for example the care of old people or helping relations or family members who are in trouble, etc. (Habermas, 1981/II, pp.. 515-548).

### **Similarities and differences**

Habermas grasps the structure of modern societies in the duality of life world and organization into systems. Through the modification I introduced when reducing Luhmann's subsystems of society to the professional systems of institutions, I also came to detect the rather diffuse communication structures of everyday life beneath the systems of professional institutions. Consequently my views concerning the basic structure of society represent some shift from Luhmann to Habermas. However, important differences remain.

1. Contrary to Habermas I consider society only as a system level and in regarding interaction and the formation of organizations as an independent system formation, I detect the development of a multitude of communications systems within the communications structures of everyday life (mainly systems of interaction but also organizational systems).

2. Contrary to Habermas, I think that there are not only two but a plenitude professional systems ascending above everyday life. He considers economy and the state as such systems, whereas I thing economy is independent as an all-embracing system of professional institutions, although

the systems of professional legal/administrative, political, university/scientific, educational, art, religious, etc. are also seen to show a fair degree of independence in modern Western societies with their own structures of recruiting, socialization and evaluation.

3. As distinct from Habermas' picture of the structure of society, I clearly see a number of popularizing and mediating spheres between the systems of professional institutions and the more diffuse everyday life. These are partly responsible for transforming and popularizing for everyday communication the new semantic sets, distinctions, categories and ways of approach and expression of the specified professional communications and partly provide the systems of professional institutions with material by opening the eyes of the wider public to the problems of everyday life. The rapidly growing mass communication sphere can be regarded as such a mediating sphere, just like the popularized mass culture between art and everyday life or like journalism and educational programmes between science and everyday life. Among the organs of mediation mention may also be made of the educational system, which selectively transfers certain products of specialized science and art into everyday communications, although higher education and the activities associated with it are in closer connection with the systems of professional institutions and are shaped according to the patterns set by them.

4. Finally the most important difference between "life world" as I use it and Habermas's is that with Habermas, life world is reduced to a community with a uniform moral background and solidarity and he lays the emphasis on the destruction of this community when describing the formation of systems. With this method Habermas, in fact identified life world, which originally meant a rather neutral and diffuse background knowledge, with Parsons' societal community with the difference that, as opposed to Parsons, he does not regard it as a system.

In spite of the apparent structural similarity the dichotomy of everyday life as used here and the system of professional institutions emerging from it is markedly different from the picture of the societal structure of Habermas' dichotomy of "life world" and "system".

## **2. Richard Münch: the interpenetrations of social rationalities**

Münch's basic idea is interpenetration. He contrasts this aspect with the premise that the modernization of European societies and the rationalization of the various social spheres meant the development of their self-regulation and their independent logic. On the contrary, says Münch, the self-reference of the different spheres can be observed rather in the cases of the stagnating Indian, Chinese or Islamic empires. European development, an offspring of Greco-Roman civilization, is characterized precisely by the mutual pervasion of the rationality aspects of the various social spheres: in other words, their interpenetration. This interpenetration distinguishes the development of European societies from Eastern civilizations, and this is what has made possible a breakthrough of dynamism in society. In following through his idea of interpenetration Münch founded his theoretical framework primarily on Parsons' categories and he drew on Weber's work for the empirical material he used in comparing Eastern and Western civilizations.

Following Parsons, Münch distinguishes in all social spheres and in individual social activities four components which determine the operation of specific social institutions - achieving various degrees of development. In all institutions of modern societies can be found the community-normative component, which integrates the institution, the cultural aspect, which generalizes the patterns of both actions and symbols, the professional component, which introduces specification and finally, the adaptive component which provides situative reactions and changeability.

Similarly, Münch follows Parsons when he accepts the concept of the quadripole-analytical distribution of the social spheres and their further internal quadripole distribution according to the same aspects. He means by the primary spheres of society as a whole the economic system, the political system, the community system and the socio-cultural system. To give an example of "internal quadripole distribution" he includes in the subsystems of the 1. socio-cultural sphere: the subsystem of rational discourse (incorporating meta-scientific theory development, the system of the most generally used symbols), the subsystem of rational science, which is the area of empirical sciences, the theories founded on them, etc., the subsystem of the normative development of cultural consensus constitutes the community

finally, the fourth, the university/professional subsystem. (As can be seen, science, which is usually regarded as a single unit, is divided by Münch into the subsystem of rational discourse and empirical science, on the other hand, the sphere of art is difficult to locate.) 2. He includes in the internal quadruplet of the political system public administration, the law, the constitution (as a sphere responsible for the cultural generalization of the political sphere and for its general standards) and the sphere of articulation of political will (parties, representation of interests, political press, etc.) As demonstrated the four internal subsystems required by the schema could only be produced by the separation of the constitution from law. 3. The internal subsystems of the economic sphere are constituted by the market subsystem, the subsystem of market collectivity (which means the sphere of the solidarity/normativity standards required for the operation of the market in the sense Durkheim described as the "extracontractarian preconditions" of the contract), by the economic-cultural system (which ensures cultural discourse and consensus over the criteria of economic rationality) and finally by the subsystem of economic investment and enterprise (which opens up the economic sphere to the sphere of politics and public administration). 4. Finally the collectivity system of society can be divided into economic collectivity, cultural, political and ethical collectivity.

Münch's conceptual structure is made rather rigid by his sticking to the Parsonian quadripole distribution. Fortunately when carrying through the idea of interpenetration he concentrates on the empirically coherent institutional differentiations.

In the conception of interpenetration his starting point is that the above-mentioned spheres of society and their major internal components have only been able to interpenetrate each other successfully in the modern European societies and this is why some institutions have been founded to transmit the value aspects of one sphere to another. Let's see Münch's attempts for specificity in the scientific sphere, because this is where he managed to carry through his basic idea in its clearest form.

What is the special trait in the development of European science compared with scientific thinking in Eastern civilizations and how could it exercise its impulsive effect in Europe while the same phenomenon cannot be observed in the development of Eastern science? In the

development of European science by the end of the renaissance and after several hundred years of history which had become roughly united in a uniform complex. "What distinguishes modern occidental science from the ways of thinking, verification, experimenting and the solution of technical problems in other countries lies in the unity of abstract conceptual and theoretical constructions, deductive and logical argumentation, rational and empirical experimentation and practical technologies, brought about only by Western science." (Munch, 1984, p. 200.)

As is well-known, for instance, until the 15th century China had been far superior to Europe in the field of technical inventions. However, their highly developed empirical experimentation was completely devoid of the generalization of empirical knowledge and the establishment of abstract theories. The empirical experiments were not aimed at providing a practical check for some abstract truth, as in the rational and experimental science which had developed by the time of the European Renaissance, but at being item-level solutions given to item-level problems where the idea of exploring abstract connections had not even emerged! In the wake of Weber, Munch pointed out how far from accidental it has been that the problem had not even emerged and how many specific lines of development were required by rational European experimental science to unite the development of abstract theories with the finding of concrete solutions to problems empirically.

Investigation into the characteristics of science in contemporary India seen to support Munch's ideas of interpenetration even further. In India, as it were, not only was the empirical experimentation well-developed (as in China) but, parallel to it, abstract thinking also showed a high degree of development, e.g. in chemistry, mathematics, medicine as well as a high level of achievement in philosophical and logical thinking. Munch revealed that for a number of fundamental reasons they showed an isolated pattern of development which made it impossible for empirical problem-solving thinking to be shifted in order to seek universal truths, and, conversely, for abstract thinking to approach reality.

One of the basic reasons was the caste system with its isolated ethical norms, patterns of thinking, etc. This prevented the scientific components from exhibiting high degrees of development in the individual castes due to interpenetration of one another. Munch carried out a diachronic examination of this underlying problem and pointed out how necessary were both the development of the bourgeoisie and the decrease in the distance between the orders so as to make it possible for the components of science to unite and develop a rational, uniform abstract and empirical science in modern-day Europe.

In Munch's view the idea of interpenetration has an explanatory value not only in the contrast with the Eastern development of sciences, but it also has the capacity of revelation in the comparison of the sciences of the major European societies and, now, of those of the USA and Japan. In accordance with the uniform character of European culture interpenetration is present in all modern societies but its extent, the balanced interpenetration of the components shows great differences. Hence the centre of gravity of the development of science in the last century shifted to where interpenetration could most harmoniously occur.

The first major convergence of theoretical thinking and a practical approach to problems could be observed in a few Italian city states at the time of the Renaissance in Europe. University scientists primarily contributed to solving the problems of practical architecture and there were gradually set up communities, incorporating artists, scientists and craftsmen, which first



produced the intellectual background for the experimentation aimed at the exploration of the interdependences of the rational and abstract spheres, which was later to become so important. It was then already typical that the university prestige of scientists engaged in natural sciences and mathematics was low at those universities dominated by philosophy, theology and, later, law and they found actual recognition in communities outside the university. Hence the synthesis of abstract, theoretical thinking and the practical solutions to problems (techniques) could only be realized outside the university.

The same thing applied to 17th century England, where, by that time, the centre of gravity of scientific thinking had been shifted. Here, as earlier in Italy, an elementary precondition was that the barriers of culture and prestige should largely have been eliminated and the synthesis of the varying components of thinking should find a social medium in the bourgeois strata. In the Royal Society, formed to cultivate science, the membership included aristocrats, merchants, craftsmen and professionals of non-noble birth. Such a thing continued to be unthinkable in other European societies for a long time. After its Italian origins the abstract/empirical method of modern natural sciences ultimately took root in the English phase of development. Subsequent French and German scientific development continued on this basis, although the interpenetration of the different components or in other words the weight of abstract theoretization and the practical solutions to the problems testified to a different regime of development.

Münch sees the different extent of the embedment of theoretical thinking into practice in modern societies as being how much the developing intelligentsia has been able to rise above practice. There are fundamental differences between the ways English and 20th century American scientific life and German or French science were attached to practice. The difference can largely be traced back to the different roles played by the state (which are in themselves the consequences of countless differences). In England but, later, mainly in the United States, the scientific sphere became directly integrated in social practice, while in Germany and France the intellectual layers became more isolated from practice. The university and scientific institutions were attached to the state, whereas in the Anglo-Saxon countries these have been and still are connected to social practice by the mechanisms of the market.

In both solutions the interpenetration of the theoretical sphere and the practical sphere can be observed, but it took place less efficiently in the science of Germany and France (and in the other countries influenced by them) because of the mediating of the state (Munch, 1984, pp. 230-245). So Munch concluded that modern scientific rationality cannot be interpreted as the development of the self-reference of science - on the contrary, it should be conceived as the amalgamation of the logics of different spheres.

This also applies to economy. While most analysts consider the development of the logic of the exchange of goods as the rise of an independent economic rationality, Munch pointed out that the new factor in European development was not this, but the fact that the social medium indirect contact with the exchange of goods is also tied by ethical and moral bonds in spite of the exchange of goods. In the case of other civilizations the validity of ethical and normative standards could be observed in small, natural communities and in those community forms directly above them, but precisely because of the sense of solidarity the rules on the exchange of goods could not assert themselves within this circle. Where the latter were functioning the ethical norms were no longer valid. The novelty in European development was that the validity

of ethical norms and a rather abstract form of solidarity were able to become generalized in such a way that in the meantime the logic of the exchange of goods, which was spreading, could be brought into line with them. Law, which was being formalized and which accompanied this development, could only bring the logic of the exchange of goods and the universal normative standards into agreement on this ethical basis. Not self-reference but, rather, interpenetration asserted itself again.

Not only between the components of collectivity and the exchange of goods, but also through the attachment of science to practice (which, as we have seen, was also a product of European development), and through the government's economic policies and investments the political and administrative sphere of society also became intertwined with the aspects of economic rationality.

Münch also detected interpenetration in the sphere of politics. It is easier to find a political logic of power without morale in certain eras of Eastern civilization, especially in the case of former Indian empires. The self-referential logic of pure machiavellian politics can better be analysed there than in modern political systems. Such a political system is characterized by interpenetration, where the cultural standards are ensured by the sphere of constitution (discourse over the basic principles underlying the procedures of the Court of Constitution, etc.), the ethical/universal foundations are represented by the legal system (foundations of a constitutional state); the political parties and corporate system open up modern political systems to the interests of society; the rationality aspects of the political sphere are interpenetrated by professional standards through the specialized public administration regulated by law and controlled by the articulation of political interests (Münch, 1984, pp. 303-311). Münch concludes his analyses by asking how the modernization of politics can be taken as the formation of the self-reference of the political spheres, when so many interdependences are evidently present?

### **Similarities and differences**

First of all it is worth considering why Münch kept criticising the theories of differentiation so violently. His own discussions do not make this quite clear, but the key to it is the extension of Parsons' category, the inclusion. In Parsons' interpretation inclusion meant in the first place the inclusion of an ever-growing proportion of the population into the range of social sub-system (Parsons, 1966, p. 40). Subsequently, as an element of this he emphasized that with the inclusion of the population the morality-solidarity will be extended to include groups formerly excluded (See especially Parsons, 1971, p. 26).

Luhmann indicated the reduction of segmentary differentiation as being a contralateral manifestation of the inclusion of the population and by inclusion he means society becoming a world society. However he did not systematically consider the intensive expansion of the value aspects of subsystems of society as the tendencies of the mutual inclusion of the subsystems, or as we have indicated in the first chapter the different limitations of the subsystems in these tendencies. The differentiation of the subsystems actually appears as the disintegration of society, which is held together only by the media and the intermediary spheres.

Münch detected this problem in Luhmann's social theory. Subsequently he completely rejected the theory of differentiation and put into prominence the interpenetration processes of all former European social development. In way he automatically understated the similarly identifiable historical processes, which Luhmann was able to point out as differentiations of the value aspects of the subsystems of society. So for instance mention can here be made of secularization, the processes of differentiation of political states, the process of the depolitization of public administration, and that of its coming differentiated from the ideology of science and politics, etc. In my analyses this intensive aspect of inclusion is also in focus, so in some respects my ideas have approached Münch's views, but there are still a number of important differences.

1. The most significant difference is that Münch accepts Parsons' approach of an analytical quadripole system, and he forces the structure of the society into it. Conversely, on the basis of Luhmann's concrete empirical approach to the system, I start with a multitude of systems of professional institutions. Wherever a universal dual schematics can organize a communication area round it with stable structures of recruiting, socialization and evaluation, a system of professional institutions is outlined.

2. A further difference is that after Luhmann I regard society as just one of the system levels together with the systems of organization and interaction, and I divide society internally at the first level of division into everyday life and the professional systems emerging from it through mediating spheres. In Münch's work there are analytical quadripole systems built on each other everywhere and societal community remains a system which never becomes re-evaluated into a "life world", as with Habermas.

3. Where I got nearest Münch's ideas is in the double rationality of the system of professional institutions. As I have underlined, besides the evaluation rationality of their own, only economic rationality plays a part in the case of some systems of professional institutions whereas in other cases a possible intrusion of the legal sphere still cannot be averted by the value aspects associated with the system of institutions (which is to say that it cannot deflect the dichotomy of lawful/unlawful by the prism of its own dual paradigm).

Finally here are the most important differences between Münch's ideas and mine:

- it is not a question of the interpenetration of four rationalities;
- within one system of institutions one central dual schematics will become dominant, only allowing the other to assert themselves subordinately;
- within a few systems of professional institutions the aspect of economic rentability will play a dominant role beside their own binary code, and this will strengthen the dominant role of the particular binary code. It is only a precondition of the operation of the society as a whole as a means of social coordination and integration;
- the further value aspects of society influence selections within all systems of professional institutions, but the latter can assert themselves only in subordination to the former.

### **3. Talcott Parsons: analytical subsystems and professions**

In my analyses so far I have taken over and used directly very little of Parsons' comprehensive theoretical framework, but quite often Parsons' one-time theoretical initiatives gave me my guideline via Luhmann's, Munch's and Habermas' mediation.

I rejected Parsons' analytical approach to systems and his tucking the composition of the social world into the rigid schema of a quadripole system in favour of Luhmann's more flexible theoretical framework, where the system levels and the mechanisms of the system-like delimitations of the organization of sociality are embraced empirically and specifically. The difference between Luhmann's approach and mine, my narrowing down the subsystems of society to professional components, makes a relatively neglected category of Parsons' theoretical system interesting to me. Parsons had already dealt with the organization and internal autonomy of professions in a separate short study in 1939, and later he mainly analysed the internal organization of the legal and medical professions (Conf. Parsons, 1939, 1952, 1960). In a 1968 encyclopaedical entry he again described the category of profession from a principled position (Parsons, 1968). From several points of view these analyses reflect the internal organization of the systems of professional institutions as I used them, so for the sake of arriving at a more clear-cut definition by contraposition it is worth comparing my category to Parsons' professions.

Profession as a particular line of occupation and its collectivity had already been investigated at the beginning of the present century. So as early as 1915 Flexner analysed the qualities that distinguish the "professions" within the groups of occupations (Freidson, 1983, p. 21). Certain professions, such as those of the politicians and scientists, were analysed by Max Weber to great effect, and in the 30s there were several comprehensive works describing the professions. The research done in the last few decades can be traced back to two starting points: first and foremost to Parsons' above-mentioned articles and secondly to Everett Hughes' theoretical framework. As member of the Chicago school Hughes stimulated his pupils to carry out a wide range of empirical investigations, while Parsons' influence was represented by the embedding of the professions into an embracing theoretical framework.

Parsons accommodated the professions in the "occupational system" on the level of his analytical social subsystems. The intertwining of social subsystems with cultural subsystems, or in another direction with the behavioural systems and biological foundations of individual people provides the general system level of activity where the development of the human world takes place. For us however the internal analysis of professions is more important than placing them in Parsons' embracing theoretical framework. (I have already analysed the shifts in the development of Parsons' analytical framework in an earlier work; Pokol, 1987, pp. 158-230).

Initially Parsons' theoretical interest in the professions was motivated by the fact that their members could not be classified into communities with altruistic motivations, nor into groups of people who are motivated by business interests. Scientists, doctors, lawyers and businessmen are characterized by functional specificity and a universal treatment of knowledge aiming at objectivity, but their activities are oriented by many motivations which cannot be merely reduced to efforts to acquire material wealth (Parsons, 1939, pp. 38-39). Within a professional community there exists an evaluation mechanism rooted elsewhere which orientates the activities of doctors, lawyers and scientists besides the seeking of material wealth: "...the aim of attaining great respect or, in Thomas's words, >>acquiring recognition<< within one's own professional group," says Parsons (*ibid.* p. 14).

In his later studies, parallel with the development of his theoretical framework Parsons took some steps towards the exploration of the operation of the somewhat more general evaluation mechanisms of the professions. He emphasized it especially clearly in his 1968 encyclopaedic entry that beyond individual organizations evaluation by the profession as a whole or control by the whole profession over the individual could only become dominant in cases where private practice played a leading role rather than concentration into large organizations. For instance, this is the case with lawyers in England and the activities of doctors are another good example (Parsons, 1968, p. 541).

In this way the individual is not subject to an organizational hierarchy but is influenced more directly by the impersonal and universal evaluation mechanism of the wider profession. Although by the 20th century these professions have to some extent become composed of large organizations, the professional evaluations and characteristics already developed forced the organizations to change their character. (When later analysing the American university, to make this observation more specific Parsons developed the category of "institutionalised individualism" which contains the coexistence of scientists working in the big university organization free of hierarchy and the evaluation and control of the scientific community as a whole outside the university organization.)

In his final version (1968) Parsons found the cardinal quality of professions, as opposed to other occupational groups and trades, in their reliance on science. A profession consists of two components: its core is constituted by the scientific institutions and universities belonging to the profession and it extends to the sphere of carrying out the practical applications of the scientific knowledge involved (Parsons, 1968, pp. 536-537).

Such organization could already be experienced very early in the work of doctors and jurists so Parsons regarded these as the typical examples of the professions. In the past century however, due to technical development, the application of scientific technologies has ousted the earlier experimental approach of craftsmanship, engineering and thus the layer of engineers is becoming professionalized, just like the activities of teachers, social workers and the communities of a number of other occupations.

Joseph Ben-David then arrived at the conclusion that science is the "profession of professions", which acts as a "gate keeper" in controlling the internal organization and evaluation mechanisms of the different occupations (Ben-David, 1976, p. 876).

Parsons' analyses had given a lot of incentive to scientists in later times in working out their theoretical structures. So, for instance, when Merton was investigating the evaluation and rewarding mechanisms of the internal sphere of science in the 50s, he could draw on Parsons' 1939 study which gave an early indication of an evaluation mechanism based on "recognition" (17). Similarly, Parsons had demonstrated the contradictions between the impersonal control mechanisms about the members of the wider community of a community and those of the organizational hierarchies, as later Glaser (Glaser 1965) and these same studies contained valuable starting-points for Hagstrom's work, in which he analysed the scientific community. However, I regard as generally misconceived the theoretical framework of the organization of professions in the form elaborated by Parsons.

My main objection to this theoretical framework is that he attached too strongly to science the

internal evaluations and features of the systems of professional institutions (18), and in this way he could only express their intrinsic complexity in a distorted form. With this approach the analysis of the field of science investigating the various spheres as well as the analysis of science as a whole also became distorted because Parsons develops too strong a connection between them and the layer of their practical application.

The internal organization of science and that of the spheres carrying out its practical applications are becoming more and more divergent as their functional differentiation is being realized more and more clearly in the course of social evolution. Parsons himself saw it without feeling inclined to draw any conclusion to be integrated into the theory of professions. In respect of the scientific fields of the two most important professions of model value Parsons, in 1973, indicated in a book of his that out of the "practical/symptomatic manipulations" necessitated earlier by the practical sphere law and medicine had, over the last few decades developed into real sciences, in as much as medicine, relying on the results of the newly-developed biochemistry, physiology, psychology and even socio-psychology and sociology, has begun to investigate these connections in universities and in clinical medical practice as well as and while providing a medical service. In the same way, instead of pursuing its earlier activities of systematizing cases and elaborating maxim of law, legal science has settled on the foundations of recent developments in economics, political science and sociology, and while attending to the operation of law it analyses these rather specific interdependences (Parsons-Platt, 1973, p. 214).

However, this means that the legal and medical activities "which have really become scientific" are increasingly breaking away from the communities and evaluations of their professions and becoming orientated according to the scientific evaluation patterns prevailing in their wider scientific communities. (Practical reports also confirm conflict between the attitudes of doctors doing research and those engaged in practice, because this change in medical science has not been followed by the appropriate separation of the two types of activity institutionally.) This means that the organization and operation of the internal evaluation mechanisms of the professions have to be detached from the universities and scientific institutions executing the intra-scientific reflection of the given practical spheres theoretically. However, this amounts to a rejection of the central idea of Parsons' analysis concerning professions.

Another problem in Parsons' analyses of professions is presented by their delimitation. As a matter of fact, in this case, while trying to avoid the distinctions and delimitations used in everyday life in order to evade the misleading effect of everyday evidence throughout his entire theory - he worked out the highly unnatural analytical quadripole distribution of systems to replace them - he accepted almost literally the "entities" of everyday thinking. He makes too direct use of the occupational groups which are striking features of practical life, and taking their structures for granted he tries to make statements suitable for generalizations. (Larson emphasizes this problem as one affecting the whole of research into professions to date. See Larson, p. 111).

With Parsons professions are reduced to communities of various occupational groups, while the limits of the systems of professional institutions, as I understand them, far exceed the individual groups and include multitudes of occupational groups organized around comprehensive social functions. This also means that in this way the uniform community character is more likely to disappear and we can only see the institutionalization of common evaluation mechanisms on a rather abstract level. For example, besides jurists, other occupational groups of the legal sphere

are incorporate in the system of professional institutions of law, such as the groups of non-legal occupations working in organs of public administration; similarly, within the area of science, research there are, besides the scientists themselves, organizers and layers of managers at the universities and institutions.

Hence the boundaries of the systems of professional institutions are wider than Parsons indicated when describing professions. Even more important is the difference in our respective views that to me a system of professional institutions can only be established where a universal binary code becomes dominant in the recruitment, socialization, evaluation, rewarding and sanctioning of those fulfilling a social function.

Consequently, the mechanisms of systems of professional institutions could only be detected where such a universal binary code could develop and acquire a dominant position in pursuing a sphere of activity. Evaluation of a complete profession can only be realized in practice where different performances in the execution of certain activities can be compared on a universal and specific scale or if it is possible for the participants of a profession to be orientated autonomously among the impersonal norms of the profession as a whole. Whereover such a system has failed to develop, only the organizational hierarchies can control the selections of the participants and systematize them. (For instance, this is the case with the participants of education as opposed to those in science, where a universal binary code is available.)

In this way the theoretical problem that the research into professions seems to have been trying to combat for a long time is likely to be solved: how is it possible to delimit professional organization from simple occupational groups? Preconditioning professions on universal binary code reduces the circle of possible professions very radically. For instance, due to the lack of a universal binary code within health care the medical profession, considered as one with model value, appears to be a guildlike residuum rather than the core of a system of professional institutions. If one thinks of specialists and their international hierarchy as a counter-argument, it should be noted that this list evaluates rather on the basis of scientific performance than on that of therapeutic activities. The previously indicated tendency to delimitation between medicine as a science and as therapeutic medical practice may very well soon make this problem a matter of course.

Parsons and the research into professions in general go a long way in concentrating the characteristics of professions around collectivity. In research the following attributes are usually registered: the members of professions

1. apply an independent scientific corpus in their activities;
2. are service-oriented rather than controlled by self-interest;
3. organize the scientific corpus and techniques needed for their activities into separate schools, which are disposed of by the profession as a community;
4. they are privileged in exercising self-government (Larson, 1977, p. X).

These attributes truly reflect some aspects of the organization on the professionals in the scientific and legal spheres and some of their evaluation mechanisms, but they fail to reflect for instance the characteristics of those professional system organized by political competition. Orientated according to the binary code of staying in office going into opposition the strata of politicians belonging to the competitive political spheres acquire highly specific knowledge but their recruitment and socialization do not take place in formalized schools but within the

operation of political parties and groups of shared political interest. Their organization into communities is excluded even if lasting friendships can be made between politicians of opposing parties in public, in parliamentary lobbies, at inter-party negotiations, etc.

The same holds true in respect of the market-rationality-oriented stratum of managers. Although in Parsons' original version it was in contrast to the activities of this self-interest motivated layer that the category of the professional person aspiring for recognition beyond material wealth (acknowledgement, reputation, etc.) was set up, systems of professional institutions as I use the term can be identified everywhere a universal dual schematics can determine the recruitment, socialization, evaluation and rewarding of the participants. Therefore I have attempted to reconstruct the structures of the systems of professional institutions on a more abstract level than that they occupied in Parsons' analyses of professions.

The sphere of art will also be excluded from the research of professions, because the individual branches of art fall so far apart that in reality no general common feature can be presumed. On the other hand, the individual nature of artistic creation within a field of art will preclude the development of the forms of community control and evaluation customary elsewhere. In addition, in East-European countries where in the Stalinist era organizational structures embracing all the branches of art were set up, practice shows that even when political pressures no longer affected the arts, they failed to set about dealing with internal artistic problems but immediately began to act as quasi political parties spontaneously and those artists who excel in their political ambitions and related abilities enjoy preferential treatment. Conversely, artists who are more valuable artistically but who are apolitical do not occupy prominent places in such structures. So, as opposed to the communities of scientists, jurists and doctors, the various branches of art will only help the development of community structures around certain trends and schools, not on a comprehensive community level.

Because of its specific orientation Parsons' approach to the problems of professions does not allow us to connect our category of the system of professional institutions to his analyses, in spite of being identical names. His analyses can only be utilized with the detour Luhmann made when reinterpreting the analytical subsystems as concrete and empirical subsystems of society, which I have subsequently narrowed down to the professional components of the subsystems of society by introducing amendments into Luhmann's work (19).

#### **4. Niklas Luhmann: the autopoiesis of the subsystems of society**

Attempts have been made so far to indicate my amendments to Luhmann's categories while emphasizing that I have taken from his theory most of the distinctions and starting points used here. I can only repeat the distribution of the system levels of society into systems of professional institutions and communication structures of everyday life and the elevation of economy as a system of professional institutions from the other systems, placing it on a separate, more general level - as distinct from his way of handling these matters. At certain crucial points these amendments have led to a different view of the social structure from Luhmann's initial picture. Using his pre-mid 70's works made it easier for me to embark on this project. However from the early 80s on Luhmann accentuated his analyses of societal



subsystems by putting in focus in novel ways the concept of autopoiesis (a development of general systems theory) thus helping his former theory to develop in a direction diametrically opposite to my corrections. To begin with, let me look at the shifts in Luhmann's theory of the subsystems of society caused by the concept of autopoiesis in order to contrast this with the concept of social structure expounded here.

### **The autopoiesis of the subsystems of society**

The concept of autopoiesis had been expounded by the early 70s by a Chilean biologist, Humberto Maturana. Maturana took his first step towards the elaboration of his concept rejecting functionalism because he thought it was only outward observation that introduced functionalism into the coordinated arrangement of the internal processes within living organism.

The neurons and various organisms self-reproduce by means of their internal structures with the help of their existing elements and although in turn the more general biological systems use these as construction components to build themselves up, the individual parts, which are also systems change basically in the way determined by their internal structures. The more general system utilizes its partial systems as carriers and producers of certain qualities according to its own structure, but in spite of this limited utilization they are not organized to ensure these qualities (although an outward observer might arrive at this conclusion when observing the regular "cooperation" of these parts during his investigations into more general biological systems), but carry out their own cyclic reproduction as determined by their own inner structures. (Maturana 1982). To give a rather direct summary of Maturana's thesis: it is not the whole that determines the parts; they decisively determine themselves, and the constellation of their qualities produced as "side products" will make possible the development and continuous reproduction of the whole as a more general entity.

The partial systems are far more autonomous than biological functionalism has traditionally supposed them to be. There is no hierarchical connection between the partial systems despite the fact that an outward observer may regard the activities of a definite part over the rest as those of a "Kommandozentrale".

The ultimate conclusion of Maturana's autopoietic systems concept is an emphasis on the autonomy and self-determination of the partial systems of the complex whole. The reproduction of these partial systems takes place in an autopoietically closed formation. A more general system cannot determine the internal processes of its partial systems but its effects reach the micro-processes "strained" by the internal structure of the partial systems. In the course of its reproduction the autopoietic system creates new elements with the help of those already existing, relying on the structure maintained by the harmonious arrangement of the elements in a cyclically repetitive process.

Maturana's explanations and unusual theoretical "opening gambits" exercised an elementary effect on Luhmann, who from the early 80s on, began giving a modified description of the subsystems of society as ones built on a pattern of autopoiesis.

## **The autopoiesis of economy**

Luhmann has succeeded in transferring his concept of autopoietic confinement to the subsystems of society most convincingly and with the highest degree of elaboration in respect of economy as a system (Luhmann, 1984/b).

Let me reiterate Maturana's theorem: an autopoietic system creates its new elements out of its existing elements in an uninterrupted chain, drawing only material and energy from the environment. Luhmann focused his attention on the reconstruction of this basic cyclical process in economy. Presupposing an ideal market economy he identified it in the process of effecting payment ("Zahlung"). In a typical market economy every payment makes other payments possible, the lack of payment leads to failure to effect other payment and the purchase of anything involves renouncing some other purchase. Ultimately, the effect of every economic act is "doubled": you buy a certain thing but at the same time renounce something else. The attachment of payment to payment keeps the system "tight" and with this, the range of the future activities of the other economic units becomes calculable.

Thus a market economy is an uninterrupted process of payments, regulated by prices. Prices open up the internal circular processes of economy to the environment, being based on need. Although in his new concept Luhmann lays great emphasis on the isolation of the subsystems of society - after they became functionally separated in the course of social evolution - at the same time he makes repeated attempts to elaborate partial openness. The closed character of economy is eliminated by orientation to demands. Prices transmit shifts in need and thus introduce environmental changes into the process of payment, thwarting several acts of payment but ensuring under normal economic circumstances the continuation of the payment cycle in the majority of cases.

Thus economy becomes insensitive to all outward circumstances; all economically relevant activities are solely motivated by the chances of payment while being orientated by prices. However by basing prices on need this closed-up economy which is insensitive to all external motives becomes "hypersensitive" from one aspect: it registers even the slightest movements in demand or any events that may potentially lead to such shifts with increased sensitivity through its well-developed warning system (capital, stock exchanges, marketing mechanisms, etc.) and responds by restructuring itself. The slogan "Je geschlossener, desto mehr offen" would best describe Luhmann's concept of autopoiesis. His fundamental idea may be summarized by visualizing the picture "confinement on all sides, except on one aspect where hypersensitivity prevails".

If economy is thought of in the sense of formal economy as we use it, then in this case the transfer of the concept of autopoiesis to the subsystems of society seems to be acceptable to me. With regard to the other subsystems, however, a number of elementary problems may be discovered in Luhmann's texts.

All these issues can easily be identified as a shift from Luhmann's earlier position in the area of the legal system. The closed-up autopoietic system produces its new elements out of its existing elements and with the help of its existing elements. In the case of the system of law this is expressed by the possibility of the new norms being traced back to the old norms or in a wider

context by the derivation of new legal decisions from prevailing legal decisions. "The self-reproduction of law takes place as a change in law, as a transfer of the quality of normative validity into partially new expectations." (Luhmann, 1983, p. 136.)

The autopoiesis of law is embodied by an uninterrupted cyclical process of legal decisions where normative validity is transmitted in a closed process. Luhmann found the way a closed system of law reacts to the environment in the duality of the normative confinement of law (*Je geschlossener, desto mehr offen* - the more closed, the more open) and its cognitive openness.

Let me consider this further, because the shift in the whole of Luhmann's system of thinking can be seen most clearly at this point. Luhmann previously discussed the normative and cognitive elements of the system of law, attributing a great significance to them, in his "Sociology of Law" written 16 years ago. A comparison between that and the present version demonstrates very well the effects of his conversion to the concept of autopoiesis.

In his 1972 "Sociology of Law" Luhmann thought that the institutionalization of the law-making process rising above the sphere of the application of law represented the law being founded on change. In the law-making process it is possible to detect an effective legal measure which has been made inadequate by social change, and if such a measure is broken massively the law-maker may conclude that it is necessary to change the effective regulations. So at this point law-makers are related cognitively to the measures of the prevailing law. "Should it stay as it is or shall we change it?" - this attitude is typical of law-makers. On the other hand the attitude of jurists is compulsorily normative both in jurisdiction and in other spheres of the application of law. There it is not possible to "learn" from the criticism of society, a judge cannot draw the conclusion that the given legal regulations do not comply with the requirements of society (as law-makers can). With the development of the liberalization of law-making and a simultaneous increase in the observation of normativity in the application of law, law can be changed partly by moderation and partly, by a society mindful of the prevailing rules which trusts that judges will decide in future legal matters accordingly - thus ensuring a calculable legal terrain. Luhmann solves this problem area in a manner diametrically opposed to the foregoing.

According to his present starting-point both the normative and the cognitive elements are present in each legal decision. "All operation in law and all legal processing of information are simultaneously exposed to normative and cognitive orientations. The normative quality serves the autopoiesis of the system laying out its contours and separating it from the environment. The cognitive quality ensures the harmony of these processes with the environment of the system." (Luhmann, 1983, p. 139.) According to the new concept law is exposed to the learning process in all facets of its operation, whereas the old one envisages learning only in a procedure specifically meant for this purpose.

Not only has the subject of changing the law been shifted from law-making to the area within the law, but by connecting the legal system to politics Luhmann has revised his entire former concept in his new works.

This passage from the 1972 "Sociology of Law" directs attention to the degree of the change. "Positives Recht entsteht, wenn ein Teilsystem der Gesellschaft die Entscheidung über das Recht usurpiert und dann das Gesellschaftssystem im ganzen als seine Umwelt ... behandeln kann ... Nicht zufällig also entsteht die Vorstellung einer 'Trennung' von Staat und Gesellschaft zu der

Zeit, die das Recht positiviert. Positives Recht ist unvermeidbar politisch angew[hltes, 'staatliches' Recht." (My italics. B.P., Luhmann, 1972, p. 244.) On the other hand he now calls this an instrumentalist view of law, which "has stated with systematical validity, at least since Bodin, that law is a means of state politics" (Luhmann, 1985, p. 35). Politics is a parasite of law which advances the categories of its own value orientation (staying in office/going into opposition) towards the orientation categories of the legal system (lawful/unlawful) uninvited.

The separation of the legal system from the sphere of state and politics is also expressed in Luhmann's new material by the fact that he emphasizes the exclusion of the transitional areas or mediating processes from between the autopoietically closed subsystems of society as a matter of principle. While earlier he considered the law-making process as the opening up to political programmes of the legal system trapped in its micro-processors, and through this to society, he now emphasizes the impossibility of this. His argument is this: the sphere of law includes everything orientated according to the category of "lawful/unlawful". "Not only the organizational/professional complex but all communications orientated according to the code of law belong to the operations of the legal system - it is immaterial whether it is a matter of compulsory decision or a >private< legal statement ... all legally coded communications will be included in the legal system due to their being assigned to this coding. This either happens or does not happen - there are no transitional states or intermediary areas." (Luhmann, 1986, p. 178.)

This means that Luhmann's concept of law has changed fundamentally. How far does his theorem hold true for the reality of operating legal systems? In my opinion his old concept reflected the actual situation much better - at least as far as continental law is concerned - even if the objection could be made that it was not suitable for expressing the "over-straining" of law by politics. With his present concept, however, the legal systems of Anglo-Saxon countries are better appreciated where the reality of the autonomy of the legal sphere from the narrowly-defined political sphere is even greater as an after-effect of several centuries of the law development techniques used by "common law" and the issue of new legal measures shows a stronger dependence on existing legal norms, High Court precedents and juridical development techniques. While on the Continent the changes in the social spheres are more strongly attached to the political sphere, via which they reach the legal sphere after evolving first into party platforms and then into government programmes - laws - (using Luhmann's old expression, through "political centralization" of social tensions and problems), in Anglo-Saxon legal systems they become integrated into the legal system through the micro-processes of law and introduce changes into it without the problems being politicized through changes in the persons and opinions of judges and other applicants of the law. Law is indeed exposed there to the learning process "on every limb". This is true even if High Court precedents play a role in controlling the way by which social problems are transformed into law.

However, even in the countries of common law there is a tendency towards increasing the role of statutory law (written law) created by the government/political sphere and the grip of political control over the once-autonomous juridical development of law tightens.

Thus Luhmann adopted an approach to the structure of the legal system diametrically opposed to his former sociology of law, basing his concept on the theory of autopoiesis. However, on looking at the facts of reality I find it hard to follow him through his new affiliations.

In respect of the other subsystems of society Luhmann faces even greater problems when he strives to work out their autopoietic closure and their uniform internal cyclical process. In my opinion his experiments so far also bring to the surface some formerly undetected basic problems. In the case of the political system these can be spotted very clearly.

When the author aims at elaborating a closed, uniform process (or at least a structure), the antagonistic features of the internal components of the political system, which have traditionally been grouped together, become prominent. How can a "common code" or dual category of orientation be worked out firstly for motivations within the sphere of party politics and secondly, for the closely associated sphere of those working in the legally regulated public administration? Luhmann perceives the birth of a code for the political system in the institutionalization of the positional duality of government and opposition. If modern political systems are considered, this duality really embodies the motivations of activities and decisions in the political/government bodies as well as in the political party organs. Besides a number of moral and ideological aspects being taken into account, the dilemmas staying in office/going into opposition or (for the opposition) taking office/staying in opposition will remain fundamental considerations when a stand is developed concerning some problem arising. The social problems and tensions will exercise a muted effect on the political sphere for example when deflected by the prism of this code.

It is obvious, however, that this code does not orientate activities within public administration; or at last if it does play a role (e.g. if a minister, motivated by considerations of party policy, instructs the organs of public administration to follow a certain line disregarding the effective regulations), a chain of courts in the area of public administration as well as law courts of constitution and a host of other mechanisms will aim at stopping it. And even if I must admit that in spite of the guarantees the code of politics prevails in many cases within the legally regulated public administration, I still find Luhmann's attempt in respect of the whole political system rather problematic as it considers feasible the elaboration of a uniform code. On the contrary, his experiments have convinced me that the state and political sphere should not be regarded as a unified subsystem. If any serious attempt is to be made to work out the orientation categories actually valid in its internal areas, public administration and the narrowly based political sphere are to be separated and they should both be considered as primary subsystems of society. The political sphere in this context embraces the sphere of party policy and the political gremia within the state: primarily the government and parliament, as well as the group of politicians around the minister in top government office. In contrast to the staff of civil servants in the ministries this group of politicians changes periodically following the changes in the ruling party.

In the case of the legal sphere the situation is similar. The law-making process cannot really be "tucked into" the legal system. As I have already mentioned, its relationship to the prevailing law is characterized by the approach "let's leave it as it is or let's change it". In contrast with the sphere of the application of law guided by the effective law and with every-day legal battles, some of the law-makers (the members of the government, MPs representing their parties and those belonging to the opposition) are predominantly orientated by a diad of explicitly political categories, we may be ousted if we change this law in these ways, or else we may strengthen our chances for the next elections. (The same works vice versa with the opposition.) Naturally, in the law-making process a host of jurist experts are also present, who approach the changes proposed not only from the angle of political considerations but from the side of legal

institutions developed according to the internal logic of the legal sphere over the course of the centuries. And although they are not orientated by the "lawful/unlawful" code, as their counterparts who apply the law, they are at least disposed to pay attention to whether or not a proposed change is in line with the basic institutions of the given legal system.

In his new works on the sociology of law Luhmann himself is uncertain about where the law-making process really belongs. While in his 1972 *Sociology of Law* he focuses on this process - with repeated emphasis on its inevitable attachment to politics - recently he has taken sides with the separation of the legal and the political systems of law, and he either fails to treat the subject at all or discusses the techniques of changing the law applied in the micro-processes of the application of law in this context. However, supporting Luhmann's earlier concept I think that a modern legal system is bound to draw on independent law-making above the sphere of the application of law, and this is structurally integrated not simply in the state but in those units of the establishment where politics in its narrow sense is localized (parliament, government) and the organizational background of which is constituted by the sphere of party policies. This is to say that law-making is a border-line area, a "Zwischenbereich".

The same problem also arises concerning the sphere of science. Although science is not built on another system of society structurally, like the system of law is on the political subsystem through law-making, here too there is a "Zwischenbereich". The university sphere, where partly the attitudes and functions of the educational subsystem prevail but where a scientific attitude is also present in a decisive majority of university teachers, is typically such a system. The different logics of the two spheres are felt every day by the university teacher, who devotes some of his day to a sceptical approach to accepted and systematically classified knowledge and tries to expose its cardinal points in light of newly discovered facts and truths (thus quashing the whole body of knowledge), while at his university lectures and seminary classes he is supposed to relay classified knowledge over and above the level of introduction, all the more so as students should be able to understand what he is talking about.

This dilemma is eliminated by an organizational separation within the university sphere of the units specializing in scientific research and those responsible for instruction. A complete separation, however, would lead to a rapid intellectual decline in university teaching, and it would also exercise a deleterious effect on the connection between scientific research, organized in a chain of closed research institutes, and everyday life (its language, problems, etc.). My only concern here is to highlight the fact that in reality there is a "Zwischenbereich" between science and teaching, which is systematically eliminated from Luhmann's field of vision by his efforts to achieve autopoietic independence.

### **Similarities and differences**

Luhmann aims at elaborating the autopoietic self-containment of subsystems of society by referring to binary codes, or in my usage, a central dual paradigm. This conception has stimulated Luhmann's efforts to be concentrated on the reconstruction of cycles within the subsystems of society - at least in his essays to date. As we have seen, Luhmann identified their implementation in the relationship of acts of payment to each other in economy, in the transmission of the validity of scientific truths in the form of a closed chain in science and in the

normative force in law. In my disquisitions so far I have made it clear that in many cases this could only be made plausible by omitting to reveal certain aspects of reality. It is more important to emphasize here that analysis directed at the "basic circular process" ousts the mechanisms institutionalising the dominance of the central dual schemata of the subsystems from the area of investigations; those mechanisms which ensure the recruitment of participants in continuous specified communications according to a central dual paradigm in the course of these communications, the selection of the recruits, the socialization of those remaining, as well as their evaluation, rewarding and sanctioning mechanisms.

Contrasting my analyses with Luhmann's autopoietic subsystems, he sees the differentiation of the subsystems of society implemented in the development of circular chains of communications orientated by specific binary codes, while I identify it in the development of enduring structures capable of making dominant the selection according to a specific dual paradigm. My analyses have a different focus and this may explain the conclusion I have arrived at - as opposed to Luhmann's - that the enduring structures ensuring a high frequency of such selections through specific communications can only develop within systems of professional institutions. This has a far-reaching effect on the picture of the structure of our society: beside the systems of specified professional institutions the rather diffuse area of everyday life has to be included.

## **5. Georg Lukacs: complexes made up by complexes**

Most of the categories and distinctions used in my analyses are foreign to Lukacs's way of thinking. Yet my correction concerning Luhmann, which has reduced the subsystems of society to systems of professional institutions, has made visible the communications structures of the rather diffuse everyday life and so by outlining everyday life and systems of professional institutions beyond it we have arrived at a picture of the structure of society which resembles in some points that presented in Lukacs's Aesthetics and Ontology.

In his Aesthetics Lukacs describes a constantly changing and renewing everyday life, constituting the pedestal of society, from which emerge in the course of development more stable systems of objectivisation (Lukacs, 1965, p. 43). The two clearest forms of the systems of objectivisation are solidified in science and art, but, as well, law, the state, the parties, etc. also emerge from everyday life as "institution-like" objectivisations. Lukacs's treatment of notions is rather loose in comparison with the theories described above. By objectivisation he means institutionalisation ensuring endurance, set behavioural patterns and their sequences in his works.

The clearest wording of Lukacs's basic structure is as follows: "...die Vorwärtsbewegung der Gesellschaft allmählich Objektivationssysteme herausbildet, die zwar eine betonte Unabh[ngigkeit vom Alltagsleben besitzen, jedoch mit ihm in ununterbrochenen, stets reicher werdenden Wechselbeziehung stehen, so daß wir unser eigenes Alltagsleben ohne solche Objektivationen uns gar nicht vorstellen konnten." (Lukacs, 1963, p. 78.) In the absence of up-to-date conceptual means, however, Lukacs was unable to carry this excellent basic idea through the actual structures of today's modern societies.

This obscurity can be clearly identified in the category of the systems of objectivisation, or - using a different wording - in objectivisations. This concept includes all enduring societal formations from money and state to norms. In his later Ontology, when he discussed more generally the formations rising above everyday life, he indicates only very obscurely the structures of "complexes": "...they are a special area of human activities which can only exist, function and reproduce itself if the social division of labour selects a group of specialized people who do the work needed as a result of their special disposition in thinking and activities with a degree of consciousness." (Lukacs, 1976, Systematic chapters, p. 229.)

The task would be to arrive precisely at the notional elaboration of "special disposition in thinking and activities" and the development of structures ensuring them, but Lukacs never gets further than noting the separation of these groups of people.

He got nearest to a conceptual elaboration in his Aesthetics, where he described the "unification" within the systems of objectivisation, where crystallization processes were taking place. "Eine höhere Objektivation kann nur entstehen, wenn alle ihre durch Widerspiegelung gewonnenen und bearbeiteten Gegenstände, sowie deren Beziehungen eine der Funktion der betreffenden Widerspiegelungsart entsprechende Homogenisierung erfahren." (Lukacs, 1963, p. 180.) If instead of reflection we talk about the selection of information within communication and about specific information processing according to the central dual paradigms, which have become dominant within the systems of institutions separated in this selection, we will come to understand that "unification" coincides precisely with what have been described as the features of the systems of professional institutions. My analysis, however, does not focus so much on "unification" as on the universal dual paradigms controlling it, mainly the structures of recruitment, socialization, evaluation and rewarding which make them dominant (Lukacs refers to the separation of "groups of people" in this contexts).

Let me now draw attention to the main differences over and above those already discussed especially by comparison with Lukacs's Ontology - at least by enumerating them.

1. Lukacs conceives social existence as a sphere of existence on the basis of physical and biological existence and he builds the continuity of social existence on the consciousness of man (executing teleological itemizations). I, on the other hand, accept Luhmann's concept of composition and visualize sociality as taking shape above the psychic systems organized on the basis of consciousness. One element of this sociality's resisting further reduction is communication and in my investigations I focus my attention on the enduring structures of this.
2. An addition to this is the reduction of the organization of sociality to three system levels (interactional, organizational and social) and the emphasis on the differing proportions of formation of organizational systems in everyday communications and within the systems of professional institutions.
3. To me changeability and flexibility are characteristic features of the systems of professional institutions and it is through the reflux of the products of the systems of professional institutions that rigid everyday communication can to a certain degree assume the capacity of reflexion and flexibility. Everyday life, as it were, only shows mobility on a superficial level. On close and persistent examination the everyday life of any one person will reveal much more regularity and rigidity than at first sight. (Furthermore this has been thoroughly proved by



ethnomethodological research; a multitude of self-evidence control our everyday judgements and activities with an instinctive rigidity.) At the same time the independent systems of professional institutions present structures which institutionalise permanent changeability, e.g. modern law is valid until it is declared invalid, state politics is effective until the next elections, etc.

4. To describe social development, Lukacs outlined a predominantly linear picture in which development created increasingly typical systems (or complexes) of objectivisation from everyday life. He alleviates this by noting that on higher levels the possibility of stagnation and regression is becoming more and more common. (Lukacs, 1976, Systematic booklets, p. 374.) Here, however, analysis is controlled by the mechanisms of variation, selection and those stabilizing the one selected in the case of each formation of social evolution. This being underlined, the possibility of achieving a higher level of evolution and especially that of stabilizing there becomes much more improbable.

5. Another important difference between my approach and Lukacs's is my concentration on the structures stabilizing temporal differentiation within the systems of professional institutions. Luhmann's analyses of sense ("Sinn") manifested in sociality have made it possible for us to localize within the individual systems of professional institutions entities existing factually and those existing suspended on the horizon and to identify the structures which allow a sequential change from a socially "possible" existence to a factual one together with a continuous renewal of the working "media" of these systems (i.e. their system of selection of communication and information processing).

6. Another important difference between Lukacs's argument and mine is that he considered the independent individual systems of objectivisation as only being separable "mentally and methodologically". "At the same time, however, they do not seem to have ontologically precise clearly definable limits." (Lukacs, 1976, Systematic chapters, p. 230.) Although from a different conceptual background, this recalls Parsons' analytical approach to systems from which I have already begged to differ.

## **CHAPTER V**

### **The integration of sociality**

As a starting point let me restate my premises: in complex societies the fabric of sociality is reduced to system levels, and on one system level, societal, an internal split takes place between the rather diffuse structures of everyday life and the systems of professional institutions separated from each other by intermediate spheres of popularization. The question of integration and coordination arises on the system level of society partly between the systems of professional institutions and partly in the relationship between everyday life and these systems.

First let me have a look at some effective theoretical wordings of the question of social integration and coordination and then I will describe my ideas following on from my premises.

#### **1. The theoretical descriptions of integration and coordination**

On this level a number of theories have identified the relevant connections from different approaches. From among these perhaps the most important is David Lockwood's experiment, where he divided up the inter-relations prevailing here into the concepts of social integration and systems integration. In contrast to Parsons' earlier societal integration through norms and values and to Dahrendorf and John Rex's criticisms of this theory Lockwood separated the problem of social and systems integration. Social integration refers to value and norm conflicts and ways to settle them between the individuals, classes and groups of society while systems integration covers the disorders of reproduction of institutions and the success achieved in it (Lockwood, 1969, pp. 128-129). At a relatively high degree of social integration, when the conflicts between classes and groups do not involve major problems, those of systems integration might cause society to face chaos. Lockwood has been inspired by Marx's writings to separate the two kinds of integration and he thought Marx considered the self-destructive dynamism of capitalism as the failure of systems integration (identifying the former with the predicted conflict between the forces and relations of production). This idea has been extended by Lockwood and he considered systems integration to be endangered by the divergences between the institutions of the various spheres of society (Lockwood, 1969, p. 131). Thus, in his study Lockwood thematized the integration of the subsystems of society with the concept of systems integration. However, societal integration taking place at the level of norms, values and identity-developing symbols is an independent problem.

Etzioni's "Active society" (Etzioni, 1975) also concentrates on this aspect of integration. Although in his analyses the mechanisms of cohesion within the units of society play an important role (and according to his classification they include the normative and value bonds), in his work he focuses on the controllability of society.

When investigating the integration and the capacity of unified action of society as a whole Etzioni separated the control mechanisms and consensus-developing institutions and with the previous aspect in mind he adds the problem of the controllability of society to that of integration. He notes that in modern societies both mechanisms have to be functioning if enduring stability is to be spoken of, yet he thinks that while in East European (Socialist) societies the under-development of the consensus-forming channels is typical even though the institutions of total societal control have been built up very extensively, Western societies have produced highly-developed consensus-forming institutions, but the systems of institutions for all-societal control is not properly developed. Etzioni's "active society" would bridge the gap caused by disproportionate development on both sides: highly-controlled Socialist societies should be improved by consensus-developing mechanisms, while in the other half of today's world counter therapy is to be applied - control institutions are to be strengthened to be able to cope with the unbridled consensus-developing mechanisms (Etzioni, 1975, pp. 30-35).

Etzioni worked out his theory of "active society" in the 60's, the years of optimism for social integration and control, when in Eastern Europe it was very difficult to identify any restriction whatsoever on the state in its endeavour to develop society - at the end of the period when annual industrial growth exceeded 10 per cent. On the other hand, at that time, crisis management in various social spheres through government intervention was invariably the practice in Western societies. Etzioni then thought the degree of state activity in Western

societies was too low and urged an increase in state intervention with a simultaneous strengthening of control mechanisms.

Even though he pays tribute to the "active" states and overwhelming capacity of control of East European societies, he makes one important distinction between two possible types of state control. He distinguishes between prescriptive control (which takes a share in the web of society by providing detailed, direct and specific regulations) and another type of control which gives only general guidelines to provide a loose definition of contexts. He considers the first type as characteristic of East European societies, but thinks that in a true "active" society, which would be a combination of today's Socialist and Western societies, only loose control would prevail (Etzioni, 1975, p. 138).

In the 70's and 80's a drastic spiritual change took place in the scientific and ideological atmosphere of Western societies, where the controllability of society as a whole by the state - a premise that had formerly gained general acceptance - was sharply questioned. No influential theory today strives to reinforce state control; new theories of society tend to emphasize instead the negative traits of society's being organized by the state. However, the separation of the two types of control demarcated by Etzioni plays an important role in the intellectual efforts to re-evaluate the roles of state and law. It is especially conspicuous in some new trends in sociological systems theory.

It must be mentioned here that in the past few years there have also been shifts on the level of general system theory, and this is where the new trends in sociological system theory have obtained important momentum in order to reconsider their earlier theorems. The concept of autopoiesis previously discussed gives the key to understanding rearrangement, which, in the investigation of complex biological systems, underlines the great autonomy of the parts of systems functioning within the operational framework of a more general system (Maturana, 1982, p. 24). Over the past few years this concept has penetrated investigations into system-like societal formations which has reinforced the statement of greater autonomy of parts of systems in society as a whole, thus leading to this autonomy being demanded more emphatically by the social scientists supporting this trend. In a recent study a German sociologist of law, Günther Treubner, one of the front-line champions of the trend of autopoiesis made a general criticism of the concept of the "open system" prevailing in the entire general system theory saying that this concept lays too great an emphasis on the openness and adaptability of the partial systems, and in sociology this has enabled the elaboration of such theories of societal control which consider the external control of autonomous partial systems through changes in their environment by means of the manipulation of the environment of the adaptive system parts. The subsystems of society, however, are not so open and adaptable and such external control leads to the destruction of their autonomy (Treubner, 1986, p. 2).

In his recently published paper Claus Offe represents a markedly pessimistic stand as far as the coordination of the subsystems of society are concerned (Offe, 1986). He admits that the creation of modern societies has meant the unfolding of the logic of the various subsystems of society. As a result of this a multitude of options, possible alternatives of actions are continuously created within the subsystems and decisions in the spheres of economics, law, public administration, etc. are made through selection - each subsystem following its own rationality. Modernity, says Offe, is essentially identical with openness to options. The mechanisms of the independent subsystems now institutionalize permanent change, thus

replacing the rigid structures of the past which resisted even slow changes in the life of society and occasionally blocked their way. Everything changes, everything is changeable.

The latter of course is not Offe's opinion but that of the "optimists of modernization". On an all-societal level, he says, the new structure of society is more rigid than it has ever been. Society disposes of thousands of alternatives in its subsystems, but the whole, the result of summarisation cannot be changed: "... the question arises whether or not all the talk about modern society is some kind of incompetent euphemism, and whether we should instead talk more precisely about a society which has created many-sided processes in the sectoral growth of options and consequently actually disposes of modern public administration and art, modern industry and communications networks, modern military and educational systems, but not the way society as a whole disposes of its options with the powers to dispose of the conglomeration of partial modernities." (Offe, 1986.) It is not only that society cannot be changed in its entirety, but even the coordination of partial modernities is causing greater and greater problems. The speedy and permanent changes in the partial processes within the independent subsystems will uncontrollably influence the partial processes of other subsystems, and in a society composed of independent subsystems working as instructed by opposing imperatives no complementary institutions can be expected develop within other subsystems to process these external effects or to neutralize them. In Offe's view chaos is likely to arise from the all-societal summation of the subsystems of society. Something has to be done so that the society which has been wrought by the summation of partial modernities into a chaotic entity should not be heading for the gaping abyss of modernization. We should call a halt, the production of options within the subsystems should be reduced, so also the effects and dependences asserting themselves outside the system. This is the essence of Offe's zero option, whose two main elements are:

1. On an international level at the earliest possible date we should cease international technological competition which imposes the pressure of modernization on countries and interdependences should be reduced. e.g. membership of the EEC should be resigned, and he quotes the positive features of the manpower market in Austria, Sweden, Switzerland or Norway (i.e. the negligible unemployment) as an example to prove the advantages of boycotting international interdependences.
2. On a national level the zero-option can be similarly achieved by reducing social interdependences. He is brave enough to suggest that some benefits of the welfare society may have to be curtailed: "It should not be left unsaid that even the least material, temporal and social self-restriction of the actors will lead to some degree of reduction in the services of the welfare society and to renouncing performance." (Offe, 1986.) But this is still a reasonable price to pay for the advantages offered by the possibility of avoiding the pressures of further modernization.

Helmut Willke is not so pessimistic about the all-societal integration of independent subsystems (Willke, 1983). When outlining his ideas he starts from the problems created by the state's undertaking societal integration. The general and implicit belief in state intervention, which over the past fifty years has characterized the practice even of highly developed Western societies, did not take seriously the impenetrability developed by the autonomous operation of the subsystems of society. As the state became the chief coordinator of the subsystems of society and working out remedies to eliminate the tensions arising in any of them interfered with them directly, due to partial success this created more disfunctions than there had been tensions to ease.

In spite of these problems Willke saw hopeful signs of the possible success of developing all-societal integration. He noted tendencies in the progress of neo-corporative systems of institutions over the past few decades towards direct cooperation between the representatives of the rationality aspects of the subsystems of society rather than coordination by a single-centre hierarchic state in ensuring all-societal integration. Let us now have a closer look at Willke's ideas.

From the very beginning Willke saw problems in some subsystems of society as being orientated by their own rationality aspects and affecting their environment including the other subsystems. The increasing clarity of differentiation makes the subsystems indifferent to the negative effects on the environment of their optimal decisions motivated by their own rationality aspects. Beyond a certain level of complexity mutual indifference even endangers autonomous operation. Willke's solution is that both the subsystems and the environment have to be thematized. They are considered to include aspects of the subsystems constituting their environment by self-reflexion and thus become motivated to renounce some of the options or decision alternatives entailing consequences unbearable for their environment, even if justified by their own rationalities. The mutual self-restrictions of the subsystems will thus create the all-societal integration.

The societal integration brought about by the state is not suitable to make the subsystems produce this kind of "reflexive self-restriction". The subsystems' "mutual acquaintance" and the resulting self-restriction will determine the location of their institutionalization in the newly-arising neo-corporative gremia. While the literature dealing with neo-corporativism mostly discusses the activities and compromises of representatives of the upper organs of interest as specific forms of materialized political will, as "quasi" political parties, Willke considers them to be representatives of the rationality aspects of the subsystems of society who do not strive primarily to coordinate conflicting interests, but different rationality aspects. (For a traditional approach to neo-corporative institutions see Alemann-Heinze, 1979; von Alemann, 1981.) Thus societal integration brought about by a hierarchic state will be replaced by cooperative integration based on reflexive self-restriction (a voluntary curtailment of rationality aspects). This is what Willke calls the "demystification of state". The narrow scope of the present study does not make possible a detailed exposition, but it should be indicated that this cooperative integration, not carried out by the state, is supplemented by an elaboration of the concept of a new kind of legal system, described by Willke's close collaborator, a sociologist of law, Gunther Teubner. In place of the instrumental law of hierarchic state control he put the concept of "reflexive law" mediating all-societal cooperative integration (Teubner, 1982, 1986; Teubner-Willke, 1984). In contrast to instrumental law, which mediates between the material regulations and prohibitions of the state controlling the society and the subsystems of society, reflexive law would mainly prescribe rules of procedure for the decision centres within the different subsystems of society and the regulation of material aspects within the individual subsystems would be executed mainly by the control centres there. Besides prescribing the rules of procedure and guarantee, reflexive law also aims at balancing the unequal positions of the decision-makers within those subsystems with organizational representation.

Behind Willke's "demystified state" and Teubner's concept of "reflexive law" there is a premise of general system theory which says that if due to the autonomy of its internal elements and their disjunction into further subsystems a system achieves a level of complexity, it can no longer be controlled from one point and if it is controlled from one angle, it leads to more dysfunctions than it solves problems. In such a system it is only possible to further increase complexity by

developing self-government in its internal subsystems and making the various centres of self-control co-operate. Through this a hierarchic system transforms into a cooperative system. Examining high-complexity technological systems the Hungarian, Tibor Vámos, arrived at the same result. (See Vámos, 1983, 1986).

Although Willke and Teubner's ideas mostly relate back to Niklas Luhmann's starting points, Luhmann does not accept all-societal coordination through a "demystified state" and reflexive law. Luhmann does not think that any subsystem should assume control over independent rationalities. He carried his argument through in two directions. If there is harmony between the rationalities of the subsystems of society within society as a whole, there is actually no need for such controlled coordination. This is so because in certain aspects the subsystems become "hypersensitive" after becoming independent. Figuratively speaking they thrust out their "antennae" into their social environment and through them sense the changes in their environment as constituted by the other subsystems, they themselves control their harmony with this environment and finally the coordination of the different rationalities takes place in the form of spontaneous arrangement. The situation is different, however, if the society as a whole is to react to the environment beyond this society. A spontaneous regulation of differentiated society cannot react in any other way. But a reaction is necessitated due to the danger of upsetting the biological and ecological balance, by genetic engineering and a number of other pressing problems. Luhmann simply indicates that in spite of the dangers involved the expectation of such reactions are unfounded; trust in the political and state sphere is illusory because the specific political code is "to stay in office or to go into opposition", and this subsystem cannot be regarded as generally responsible for all-societal rationality (Luhmann, 1986/b).

## **2. The coordination of the systems of professional institutions**

With theoretical recognition of the delimitation of everyday life and the systems of professional institutions Lockwood's distinction between societal integration and systems integration gains a special significance. The inter-relationships he called systems integration are interpreted here as the mutual coordination of the differentiated systems of professional institutions (whether done by themselves or done to them); correlation through the values and norms represented by societal integration is mainly realized in the relationships between everyday life and the systems of professional institutions. Let us first dwell on the coordination of the systems of professional institutions.

From the very beginning I should call attention to an important supposition of mine on the way the system/environment relationship is realized between the systems of professional institutions. If a system comes into being, i.e. it emerges from a more general area due to differentiation, this entails demarcation and the areas beyond the boundaries will be reduced to environment. The theoretical problem arising here is whether the whole environment appears uniformly neutral to such a system, from which the system absorbs specific information selected according to its internal principles of selection, or whether it maintains closer links with certain parts of the environment and appears to be especially sensitive to information coming from those parts.

One question which can be raised here is "Do the subsystems of party policy, science, art or religion constitute a uniformly neutral environment for the subsystem of state and politics?"

Quite evidently, they do not. Although changes in any of them may exercise an effect on how state priorities are defined, shifts in party policy (new party platforms, the changes in the balance of power between parties, etc.) are directly connected with the changes in the sphere of state. This is institutionalized by the foundation on parties of the election of state gremia (parliament, government). Likewise the distance of the subsystem of public administration from economy, science or art may also be cited. Today, when every detail of the operation of public administration is being legally regulated in order to isolate it hermetically from any direct political or ideological interference no sign of equality is evident between the effect on public administration of changes in the corpus of law and the effects of the other subsystems in a neutral social environment. There is no need for further enumeration of examples, but I cite my conclusion concerning the system/environment relationship with respect to the subsystems of society. After their differentiation the subsystems of society effect a closer connection with certain subsystems, and in these closer connections can be identified not only bilateral ties but also chains linking several subsystems.

Later I will attempt to analyse the chain-like attachments of the subsystems of society as chains of innovation on a macro-social level, but here it should be sufficient to note that the individual subsystems within the chains exclude some of the decision alternatives considered to be unacceptable because of current problems they have to face or because they are contradict their internal principles of operation. Thus, for example, mention may be made of the subsequent ideological selection of arguments in social sciences, the extraction of certain ideological items when party platforms are prepared, the selections executed in party programmes at elections of organs and functionaries of state, the infiltration into political and state priorities of the legal system with the aim of selection and finally of the selective use of the legal corpus by public administration and the system of organisation within the establishment - especially if the legal corpus changes too quickly. I have described this chain-like attachment of the subsystems of society by drafting a model using the method of ideal typology but in my judgement this model can better be backed up empirically than the other where some subsystems surround others as an exaggeratedly uniform neutral environment and where the changes in the surrounded subsystems simultaneously exercise their effects.

In his works Willke does not refer to this way of attachment, and Luhmann very clearly expresses his opposition to such a theory. Despite his theoretical decision I have found analyses of the problem in Luhmann's recent writings which make allowances for my interpretation (bearing in mind, of course, that this interpretation is supported more by empirical evidence). Luhmann indicated several times that the delimitation of a system indicates a refusal to receive discretionary influences, but an increased sensitivity to certain effects. Let us have a look at some wording which presents special clarity: "Differentiation (Ausdifferenzierung) can be interpreted in a general sense (with special reference here to the subsystems of society) as the integration of structural restriction entailing the consequence that what has been differentiated will become independent from discretionary processes and dependent on definite processes. Thus differentiation increases both dependence and independence. It may also be said that the system is being constructed in such a way that its sensitivity in a certain area will increase while its sensitivity to external discretionary effects will simultaneously decrease." (Luhmann, 1979, p. 140.) Luhmann wrote those lines in 1979, when he was still in the midst of adopting the concept of "autopoiesis", but he wrote essentially the same in his 1984 volume. Motivated by my empirical experience I interpret this in such a way that the definitive aspect of the environment, to which the differentiated system has become hyper-sensitive, is not to be found



scattered throughout the environment but organized within certain subsystems. For example, the sensitivity of the modern legal system to political programmes (to that of the ruling party in particular) increases and decreases (though does not cease to exist altogether) to other influences exercised in the personality of the judges; the sensitivity of modern ideologies is increasing to party political struggles on one hand and to new arguments and theorems created in social sciences on the other but at the same time their ability to respond to changes in the spheres of religion, theology and art or in journalism, etc. is decreasing. By interpreting the system/environment relationships in such a way on the level of the systems of professional institutions we can reconstruct chains of innovation between some systems of institutions in which changes within one system of institutions will emerge as information for another and as a result, in turn induce changes which stimulate other systems of institutions to undergo further internal changes.

In West-European societies such a chain of innovation can be identified between the systems of institutions of public administration and law, the sphere of law-making, the spheres of state and party policy, the ideological sphere and science.

To set up a model within this chain of innovation the parliamentary and other state elections institute innovative waves in two directions in as much as there will be a drastic change in the government party as a result of the elections. (Which is to say that in contrast to the political priorities so far prevailing, a party upholding markedly different priorities will become the government party.) With a change in the ruling party the political and state sphere will be renewed and the new government and parliament with its new majority will then change that part of the corpus of law which contradicts the new political priorities; it is through such changes in law that this trend of renewal will affect public administration which will, after some hesitation, "reprogram" its operation and interpretation and introduces new therapies into the different subsystems of society in order to ease the social tensions that caused the change in the ruling party.

Parliamentary elections which have brought about such a drastic change in the government party also start a wave of renewal in another direction. As a rule the former ruling party and all parties experiencing a major loss of votes consider the defeat they suffered at the election of the state gremia as a challenge, causing them to carry out "self-examination" and undergo regeneration. In the majority of cases the ousted party politicians and ideologists within that party renew the party in question (its general staff, party program, etc.) at internal party elections. Just as a modern state has a built-in mechanism of innovation by being based on elections (see Luhmann, 1965, 1972), so have modern political parties by being based on internal party elections. Of course the renewal of parties is possible without suffering a defeat at parliamentary elections but as a general rule it is this which forces parties to introduce drastic changes. On the other hand, there will always be parties which survive even the biggest loss of votes unchanged, but this may entail the danger of simply being compelled to leave the political arena and having to survive as a small sect with a few thousandths of the votes cast. The changes in the sphere of party politics will have repercussions in the ideological sphere. Although in the last few decades the guards, developers and reshapers of certain ideologies have not been the political parties alone (with their party press, refresher courses, brochures, etc.), as was the case in the first decade of the present century, the definitive ideological role of the parties is still strong. Party renewal urges them to change the theoretical systems they present to the masses: the ideological machinery of the renewed party will exclude, reduce or emphasize certain ideological items

(arguments, inter-relations, notions, etc.). On the other hand this ideological renewal will open up the ideology in question to arguments, inter-dependences and the knowledge recently accumulated in social sciences. Some of the thousands of the competing scientific statements and arguments - particularly if they are suitable for the defence of the position of one ideology or another or for the refutation of opposing ideologies - will be transformed into ideological theorems. This, of course, goes together with a special kind of metamorphosis: they will now be emphasized, their validity until refutation - by which they have been characterized in the sphere of science - will disappear and in the hands of ardent apologists they will become The Truth. The same selective take-over and transformed utilization characterizes the changes from ideological theorems into party programs, the change of ruling party programs into legal regulations (let us now disregard those cases where quite frequently the change into law takes place too directly) and the transformation of legal norms into practice in public administration, etc.

To sum up it may be stated that between the above-mentioned subsystems of society a chain of innovation may be recognized, within which the waves of renewal are induced by renewal in the sphere of state and politics which emits impulses to elicit changes in two directions: the periodically recurring parliamentary and other state elections attach a cyclic character to the processes of innovation - if the therapy of the new ruling party is unsuccessful a further change in the government party will take place at (some of) the subsequent elections. The new party programmes promising success in this will be provided precisely by the resultant renewal of the parties formerly defeated which takes place as negative feed-back. This macro-societal chain of innovations is model-like and follows a pattern of ideal typology; in certain cases even Western societies are characterized by changes involving thousands of deadlock situations and explosions.

But the fact that during the approximately forty years since the second world war they have been able to stabilize their highly complex structures based on continuous change may perhaps be accounted for by the arrangement into chains of the changes in the subsystems of society.

The cyclic chains of innovation between the systems of professional institutions should also be analysed in the temporal dimension. In this context the inter-systematic differentiations occur not only in the social and material dimensions, but also realize temporal differentiations. This can be seen very clearly between the areas of state politics temporal differentiation is represented by state politics embodied in the ruling party, which actually operates, and the coexistence of party policies elaborated and suspended on the horizon as alternatives which may intervene periodically through the parliamentary election procedures and subsequently become actually existing state policy. Off-set in time the complexity of the political and state sphere may increase and this complexity becomes even greater as this factually existing duality also operates within certain political parties. Besides the official management and programme of a party in any period, also present are the platforms of minority parties and the minority party factions supporting them and these may later develop into official party programmes at periodically recurring party congresses and at the elections of the general party staffs. For operating state policy the official party programmes of opposition parties also exist as alternatives, but they themselves are factually extant in opposition to the minority alternative party programmes within the party.

Thus the entire complexity of the political subsystem is organized in a temporally differentiated chain. Thus the production of variables offering an assortment of alternatives to government policy in operation takes place in opposition parties and, within them, in the minority party

factions, temporally differentiated into two phases.

Upholding this approach to the harmony between the systems of institutions exposes the shortcomings of a number of theories. In the light of the inter-relations presented Claus Offe's idea of the disintegration of subsystems seems to be one-sided. The production of options in individual subsystems cannot be identified simply with complete independence but from certain aspects development of options within certain subsystems takes place by adopting modified options developed in other subsystems, and as we have seen the flow of information and options between the subsystems is carried out in easily identifiable chains.

To me, Willke's intermediary concept seems to be more realistic but his reliance on the self-restriction of the subsystems of society appears to be one-sided. Self-restriction by virtue of the social environment does exist in the activities and choices of alternatives within the subsystems but in my opinion, more important than that is the subsequent selection of alternatives, choices of options and decisions elaborated in connected subsystems of society. If we come to regard this as fundamental in the coordination of the subsystems' rationalities attention is at least in part diverted from the increase in self-restriction to the mechanism which connect the subsystems in such a way that the options worked out in one will be transferred into another subsystem without a subsequent selection carried out by the other according to its own logic. The analysis of reduction in these mechanisms thus becomes important theoretically.

This is the case, for instance, when political priorities become legal regulations through the instrumental subjection of the legal system, regardless of the intrinsic logic, stable categories and basic institutions of the system of law.

In a functionally differentiated society, however, this is not the situation in a majority of cases. Every subsystem of society develops internal mechanisms of selection which make it insensitive to some of the option flowing in from the connected subsystems. They sift the options whilst absorbing some of them, changing one way or another their internal structure and the priorities of their action. This can clearly be seen in the relationship between science and the sphere of ideology. Ideologies mostly draw on science for their arguments, theorems and categories and as they aim predominantly at giving a systematic picture of social reality, they can rely primarily on social sciences. However, ideologies always remain insensitive to some of the newly-arising scientific concepts, arguments and inter-relations. They are always blocked in certain directions because of the internal categories they have developed, their taking sides with the interests of major groups or layers of society, the short-term strategies of political struggle and the amount of tension present at any one time. A large proportion of scientific arguments and scientifically possible answers is discarded as "dry-as-dust" scholarly views; especially radical ideologies reject them as revealing the "machinations" of the social group opposing them. However, the majority of the undiscarded scientific statements will be incorporated in ideological arguments and theorems and will lead to the development of the existing systems of premise.

Similarly, most of the alternatives elaborated in the scientific and technical sphere will be eliminated due to its orientation towards production according to the rentability aspects of production. In the same way, when science links up with the educational subsystem, scientific truths will undergo a thorough selection until they get settled into the subject matter of instruction meant for systematic teaching. If we follow this line, it is evident that some of the ideological arguments will never be adopted by the programmes of parties working under the

pressures of everyday political struggle, the majority of party policies will never become government policy and however much politics may in many cases subjugate the law, there is always subsequent selection where some politically possible decisions thought to be necessary by the ruling party will never pass through the sieve of the system of law.

Thus besides Willke's concept of self-restriction  $\mathbb{F}$  emphasize subsequent selection. In the case of two conflicting principles (when it is possible to interfere with societal structure with a conscious decision)  $\mathbb{F}$  would give preference to subsequent selection: within the subsystems activities should, as much as possible, develop orientated by the intrinsic value aspects of the sphere in question and should create the widest possible circle of scientifically and economically possible and politically possible and necessary, etc. options. In the attached societal subsystems the freedom of mechanisms ensuring the possibility of subsequent selection should be increased.

### **3. The integration of everyday life and the systems of professional institutions**

The systems of professional institutions have developed structures independent from the diffuse structures of everyday life, which provide specific communications (the production of alternatives, processing of information) with in them, but above and beyond the ties between then previously outlined they have interdependences with the communication structures of everyday life.  $\mathbb{F}$  have already mentioned the transfer of specific communication products in a transformed and popularized form through intermediary spheres serving precisely this purpose. This can be interpreted as an increase in the cognitive potential, reflexive capacity and discourse rationality of everyday communication, or - in another thematization - as a "perfection of the manipulation" of everyday life, the "colonization" of life world.

The transformation of science for everyday life is partly executed by the educational sphere, which consists of levels built up over several phases. In the progression from the university level towards the lower levels of education, from these competitive, mostly unsystematic scientific statements which are valid until refutation, this transformation develops increasingly documented, repeatedly systematized closed systems of knowledge reduced to single items of truths which show a growing tendency towards providing the participants in lower level education with undisputable information by excluding the confusing facts which lead to doubts. If, as a rule, the sphere of education transforms scientific knowledge for new generations, the products of mass media including journalism will provide the same transformation beyond school age, although the mass education of adults and refresher courses of the last few decades may render this conclusion rather relative. Finally the ideological sphere, which also has connections with party policy and the sphere of state, undergoes such transformation and popularization towards the communication of everyday life.

This is to say that the connection between science and everyday life is established on several levels but conversely it also means that the various channels and grades may be obstructed, there may be shorter or longer interruptions in mediation and consequently detachments and disintegration. In order to ensure this mediation is undisturbed, the mechanisms responsible for following and transforming new scientific results must be functioning well on the educational

levels and there should be forces within mass communication and ideology encouraging innovation. An extreme example of such disturbance is if a totalitarian ideology terminates all rival ideologies with the help of state power and puts both the mass media and the subject matter of instruction under direct ideological control. Even without this, partial blocking may occur in some mediating spheres. †.g. if the university sphere is completely withdrawn from within the logic of market and the rivalry and mobility between universities are reduced even further first the university sphere, then science and the attached lower-level educational sphere will become more and more detached from the "borders of knowledge".

The same intermediary spheres in part make the transformations and selections for the communication of everyday life in the field of art as in the case of science, but here, perhaps formalized education plays a more subordinate role in mass communications than the areas of popularization and entertainment. On the other hand, in the field of art the group of connoisseurs with their specialized knowledge rises above everyday communication. The specific products of art do not have to be simplified through popularization for this group to understand them - they socialize the rules of their creation and evaluation (just as their categories and distinctions) in the way creative artist communities do. ¶n the propagation of new approaches, categories, etc. this specialized audience may also play a role. ¶ere, too, disintegration may arise due to mediations being blocked and nuddled, which may lead to a sect-like existence of the specialized artist communities. The disadvantages of this for everyday life are evide

nt, but the sect-like artist communities may also suffer from a dwindling of their recruitment base and in time incidental external factors may account for their replacement.

In the increasingly complex sphere of production also, a mediating sphere towards everyday life had to be developed for the thousands of products and services of its system of institutions. If the same market logic organizes this system of institutions, its harsh binary code enables the man-in-the-street and the communications within the systems of institutions to make direct evaluations. Being price-oriented he can pass judgement on the products of this sphere with more confidence than on the specific products created by the binary code of science or art for example. However, above a certain complexity the system of institutions of the production sphere and everyday life would not be able to unite without the sphere of publicity and the resultant orientation by market hierarchies. That part of the sphere of art which can do without large amounts of material may continue to exist for a time even if it cuts itself off from the world, but for the sphere of production this problem signifies the immediate beginning of a decline.

When discussing the forms of integration between the communications of the systems of professional institutions and those of everyday life mention should be made of the role of market and, generally, the system of institutions of market rationality. If in a system of professional institutions it becomes possible to harmonize the recruitment/socialization/reward structure organized around its central binary code with those structures which evaluate according to a specific market built up within the given

sphere (university market, market of art objects, sports market, etc.), this ensures its simultaneous feed-back to everyday life. Market, as it were, always bears a reference to the community. I think I should mention here my supposition that if market evaluation joins the intrinsic evaluation structure of a system of professional institutions (and the more it does so), the more the extension of the spheres of mediation, introduction, publicity and popularization

will proceed from the area of the specially organized system of professional institutions towards everyday life. This inter-relation is valid in reverse - with reservation.

Besides this connection between the individual systems of institutions and everyday life the role of everyday life in the ethical and moral integration of society as a whole is also important. As we have seen, Lockwood's category of societal integration contrasted with system integration thematizes this and Habermas's "life world" puts this aspects of everyday life in the focus.

We should agree with Habermas when he says that all normal operations of the systems of professional institutions are preconditioned by the large-scale socialization of the universal moral values reproduced in society as a whole and their self-assertion in communication selections. The only problem in his discussions is that he quite rigidly excludes the moral values and the resultant forms of solidarity from the systems of professional institutions.

By contrast Richard Münch is perfectly right when he identifies the institutionalization of universal moral values in the exchange of goods, and in professional science just as in the political sphere, for instance, the large-scale provision of scientific priority, the avoidance of the falsification of facts, etc. - the basic preconditions for the normal operation of science - could not exist if the general moral norms didn't function. Science based on moral norms recreates their predominance (sanctioning the failure to observe them) in the same way as happens in everyday life, although at a different level of specificity. The specific communications of the system of professional institutions forms part of societal practice in the same way as the rather diffuse communications of everyday life and the latter is not to be assigned a prominent position in the reproduction of moral values.

**(A tudomány fejezet hiányzik!!!)**

## **Chapter VII**

### **Binary logic and the political system**

When laying the theoretical foundations I have given a general outline of the system of political institutions. In view of the bounds of the central universal dual paradigm prevalent in the competitive political systems, I feel tempted to delineate the borders of the system of political institutions more narrowly than generally conceived. The dichotomy "taking office"/"going into opposition" determines the activities and decisions of the participants of professional politics with binary asperity. The "state" as a formation at the level of organizational systems makes this binary structure organizationally very marked by the precise demarcation of the fields of activity of ruling parties and opposition parties or political forces throughout all time. On the other hand, the organizational system of the state embraces areas independent of the political systems proper - this is the situation with the sphere of public administration. This entails no problem in as much as following a nominal union the ruling party allows its politicians only strictly controlled access to the determination of the organs of public administration and preconditions this upon the mediation of the corpus of law.

Questions of theoretical interest emerge if the "youthfulness" of the existence of the competitive political systems is emphasized from a historical perspective. In this case the enduring institutionalisation of a specific central dual paradigm has only become marked since the last century, as compared to the several centuries' (or going back to the beginnings of the Greco-Roman period, several thousands of years') development of science or law, for instance. It was English social development that created a system of devices for parliamentarism which in turn provided a framework for competitive political logic from the late 1600s for the following one and a half centuries. At the Western edge of the Continent it started to take root in the mid-1800s and gradually strengthened. By the post-World War I years it had become the dominant political structure in most of Europe and remained so for a short period of history. But even after that periods of fascism and Stalinism were needed to prevent dictatorial ideas and movements which wished to do away with parliamentarism from attracting millions of people (See: Beyme, 1973, pp. 46-48). The stable operation of the competitive systems of political institutions is the product of the last fifty years even in the majority of Western Europe. This also means that in the shaping of the internal mechanisms of the political sphere and in the drawing up of the lines of demarcation in respect of the external connections of the political sphere the definitive power of the "government/opposition" dual can only assert itself insufficiently in many cases. However, I think that trends of development can be identified both in the internal structural composition of politics and in the change taking place in the interrelation between politics and the logic of other areas, which can be grasped as a consequence of the newly-assumed dominant role of the central dual paradigm. In order to get down to this, let me first analyse the tendencies of change within the political parties, then the separation tendencies of politics proper and ideology and finally the devices responsible for both the separation and union of politics and public administration.

## 1. Competition and the stabilization of state power

Before discussing in detail the assumption of power by competitive market rationality and its structural consequences, let me analyse a more elementary structural change of the political and state sphere, within which the binary logic assumed its dominant role.

When dwelling on this problem, let me recall - as a starting point - a phenomenon observed by Max Weber early this century, the characteristic separation and the interdependence of those engaged in public administration and the strata of politicians. "Simultaneously with the assumption of power by a host of trained officers the figure of the 'political-in-control' emerged - although with less palpable intermediary stages ... The class of civil servants had to be divided up into two visibly though not organically independent categories, those of 'officers' specialized in certain areas and of 'political clerks'. Externally 'political officers' in the strictest sense of the word can be recognized by the fact that they can be transferred, dismissed or put on the unattached list at any time ..." (Weber, 1956). With this Weber actually described the "splitting of the state into two," but this basic idea can be developed in very different directions. With the help of a rather complex set of notions included in the systems theory I have treated the facts highlighted by Weber as a kind of supra-state differentiation on the system level of the society, implementing the development of systems of organizations, as the separation of the subsystems of political and the public administration. Now I wish to emphasize the change in the stabilization of state power caused by this separation.

In short this can be rotated thus; that with this a type of state power "whose head could be struck off" could be institutionalized of the group of politicians representing the summit of state power can be removed without destroying the operation of the state machinery, and the group of new political leaders can always reprogram the public administration which in practice implements the political platforms.

The system of parliamentary devices provides the conditions for the functioning of state power stabilized in its divided state: an abstract framework of the law of constitution provides a permanent structure for the exercise of power, another condition being the continuity of public administration carried out by specialized professionals. At periodically recurring elections the ruling party, which has acquired a majority and is to set a program for state power, attaches itself to those components while the programs and professional politicians of the minority opposition parties will remain "suspended on the horizon". Those political programs and the politicians representing them waiting "suspended on the horizon" have important functions even in this position. Although they do not participate in Government Offices and other organs of public administration, by maintaining seats in parliament they can look closely at the everyday activities of ministries through their standing- or investigation committees. Hence they become socialized as shadow cabinets "combat-ready" in parliament - at the same time, as a means of preventive control, they deter the government in office from abusing the constitutional order and



reveal corrupt practices as and where they exist. (Let me add in brackets that in spite of everything a lot of corruption and interpenetration can be observed in the everyday.)

This system of devices in parliamentarianism enables a formalized connection between the elements of divided state power, but they can also be flexibly disconnected through a change in the ruling party. Even more important and, history shows, even more difficult to realize is that the machinery of public administration carrying out its activities continuously and in parallel should get further and further away from practicing politics directly. The depoliticized public administration should be exposed to extensive legal regulation and automatisms set up, making the machinery relatively easy to reprogram. A "split up but stabilized" state power only really gets established, if the depoliticising and legal reprogrammability of public administration reaches a certain level. From then on there is every chance that even after a drastic change in the ruling party a continuously-operating public administration will really follow the legal programs that are to put the new political priorities into practice. To give a striking example, let us imagine an efficient army led by a corps of professional generals, a body of professional officers with the Minister of Defence in perpetuity above them. A government crisis may sweep him off the scene every couple of months, yet in reality he should be able to control the corps of professional generals and their ideas concerning the development of the army. After some drastic change in government the defence policies of the new government may be diametrically opposed to previous practice, and the new Minister of Defence has to reshape the strategic considerations of the grim soldiers, as if they were merely a joke. We know that it is not easy, and if governments are frequently reshuffled or the holders of important portfolios change too often, the situation gives less opportunity to the new Minister to control the power-enforcement machinery, for the matter, or other organs of power (20). This is what happened, for example, in France which brought superparliamentarism into being at the end of the last century, where the actual political control over public administration was mostly transferred from the hands of the ministers into the hands of the leaders of the parliamentary standing committees whose personal composition proved to be more stable (See: Loevenstein, 1963, pp. 125-128). However, if such extreme situations - the too frequent government crises - can be avoided by the political administration, the control of the state politicians and a consolidated reprogramming of the machinery of public administration can be achieved in the daily operations of the state power.

An important effect of this is that in spite of the changes in the summit of state power the continuous operation of the machinery of public administration becomes possible. This is because any kind of opposition shown by a repoliticized public administration after the change in the summit of state power for political reasons, would make the sifting of the upper portions of the machinery of public administration a necessity for the new government politicians, just as the establishment of a public administration based on views close to theirs. However, this means that after each change in the government a politically motivated shifting should be carried out before the new government program is to be put into practice, or at least the new upper bureaucracy should be given some time for learning. If a government like this can stay in office for a considerable time, no systemic problem might occur, but if a few years later a new radical government should replace the former one, the new government politicians would liquidate the higher bureaucracy again and everything would be started all over again.

It is perfectly evident that such a situation would make the institutions of the "split-up" state power useless, so in the Western political systems the machinery of public administration remains unaffected as a rule, apart from sporadic exceptions after a government reshuffle. In

these societies a legal reprogramability and at least partial political neutralization can be observed.

his arrangement in the state power takes a very heavy burden off the shoulders of the countries of parliamentarianism. This burden can be observed in the East-European societies very well, and in contrast to it a successful evolutionary achievement of parliamentarianism can be exposed. In the East-European societies the stabilization of state power took place in an entirely different way from Western parliamentarianism. In East Europe the stabilization of power takes place around a summit of state power strictly determined from a personal point of view, in the focus of which an intertwined state and party leadership is to be found. If we observe the East-European changes so far, after the party leader representing the supreme power has been relieved of his office, we can see that enduring stability can only be established in this organization of power if there is an undisputed hierarchy of power between the supreme leader and the body of minor leaders. This power summit continues to build up - because it has to do so - a chain of personal loyalty in the upper regions of the machinery of enforcement and the state and party establishment, and following the sifting procedures up there the selection according to loyalty downwards, until at last in all the positions allowing any degree of decision of power a personal loyalty to the highest summit of power has been developed. This is when the power structure has achieved its state of equilibrium, or in other words, with this the political system has managed to stabilize itself.

In the East-European societies the state is known to have assumed a great role in the organization of the activities of society, and above a level of development it is able to play this role only in an organization deeply articulated both horizontally and vertically. This led to the creation of several steps on the ladder of positions allowing decisions of power in the last few decades in this area just as in the Western political systems. The greatest problem in this now complex system of organization is presented by the change of the person of the highest party leader on the summit of power, which does happen after a time for biological reasons, if nothing else. This is where the vulnerability and problematic stability of these systems show. The highest-ranking new leader's taking office suddenly upsets the equilibrium formerly established, especially if he wishes to break away drastically from the political priorities of his predecessor or the new conditions force him to do so. Here, however, there is no easily reprogrammable and politically neutralized administration available, but one where the earlier leadership had performed personal selection quite down to the lowest levels. This structure could be represented by a pyramid upside down with the greatest plasticity, which is kept in equilibrium by the highest-ranking leader and a successful running of the earlier chain of sifting and loyalty towards him. With the change of the leader the stability of the whole structure will be upset and under the pressure of the stabilization logic of the system the new leader on the top is forced to initiate a new chain of sifting to support his own person - and his possible new political priorities. He may be sifted at any time, if he proves unable to develop an undisputed hierarchy between himself and the members of the body of the lower-ranking leaders, so this makes selection a necessity for him as a first step on this level. If he is able to achieve it, the participants of the stable summit of power thus arising will sift furthermore the ministers, state secretaries, regional state and party leaders in their area, while they in turn will continue the sifting downwards on the ladder of hierarchy. After a change of power at the highest summit the stabilization logic of the system will raise the development of a new stability, a new monolithic structure above all other tasks. All other tasks will receive attention only in subordination to this. After this chain of sifting from the aspect of power has been completed successfully and the

system has become stabilized, on the basis of established stability pluralistic groups of power "tolerant" of each other may be formed again, accompanied by alternative programs, which are upheld by certain section of the articulated establishment - and are partially publicized in press debates - only to be forwarded towards the highest summit of power, which performs selection among the priorities and alternatives and as a "motionless prime mover" yields the helm partly or completely to one group of politicians or another. On the strength of the historical experience of the last 40 years, however, such steadfast stability and latent plurality are highly unlikely in the East-European political systems. The countries besides Hungary have been able to achieve this only to a limited extent.

The parliamentary systems in Western societies stable in their cleavage and complete with their ever-changeable summits of power could happily avoid this burden entailed by the change in the last few decades. The institutions of the political subsystem allowing a consolidated coexistence of government and opposition are embedded in this background.

## **2. Binary logic and party development**

The objective of my investigations does not make a detailed reconstruction of modern party development necessary. I would only like to point out a few tendencies of development which can be grasped as the consequences of the logic of competitive political systems. As a guiding principle the much-analysed process should be kept in view where under the pressure of the market logic a modern sphere of production orientated by the signalling systems of formal economies organized by the mere motif of profit (stock exchange, marketing, hierarchies of brand-marks, etc. (21) Was formed from the production striving to make fixed products with means fixed by generations in the course of centuries. That is important here for us is the shaking off of all shackles of content, indifference from all sides, but hypersensitivity from one aspect: the complex system of the institutions of production orientated on the signalling system of the market is extremely sensitive to any event involving a change in the offer or demand (Luhmann, 1983. For the analysis of the effects of government/opposition see the most recent study of Luhmann 1989)

A development of two directions is seen to have taken place in the highly developed Western societies in the last century - as a result of the competition between political forces and organizations within the political systems: I consider the loss of content forced out by the binary logic of government/opposition analysable primarily on the level of political parties, but as a completely new development in the Western political systems, new levels of decision appeared to decide issues of content besides the party systems, which have lost their content and adjusted themselves to mere competition. What I am hinting at is neocorporativism and deciding on certain questions at direct referenda, which have become increasingly important in Western

societies in the past few decades.

### **The loosening of content constraints for political parties**

Three stages of development can be distinguished in the modern political development of parties, in the course of which political articulation formerly rooted in diffuse social embedment has come to the surface. In the wake of analyses by Max Weber, Robert Michels and Moisei Ostrogorsky the great change that took place round the turn of the century has become well-known, i.e. The change from the former "gentleman politicians' parties" (Honoratiory parties) into organized mass parties (See: Weber, 1956, Michels, 1925, Ostrogorsky, 1902). Here I would like to lay the emphasis on another aspect of the change: on the break-away of political articulation directly embedded in communication praxis of the intelligentsia, its spread to the other layers and classes of the whole society and the foundation of political articulation on ideological mediation. The following turning-point of party development is seen to have arisen in the years following World War II, one of the frequently emphasized superficial sign of which being the tendency of the former ideologically motivated parties of classes transforming into "people's" parties.

In the aspect of investigation, which is in the focus of my attention, this appears as the crystallization of the binary rationality of competitive political logic. Let us look in this matter at depth.

a., **"Honoratiory" parties.** The forms crystallized in the development of the English parliamentary system and parties has appeared in the Western part of the Continent by the middle of the last century. At that time political articulation, which had gradually been taking shape, was present in the circles of the educated bourgeoisie and land-owners. Both in the respect of their politicians and communication channels, the political parties patterned after English models were embedded in the communication of the general intellectual layers and the educated landed proprietors.

At that time political parties were only very loose communities of principles. Basically they were organized in Parliament as ad hoc concentrations of representatives with identical views, which showed enduring unity only under the leadership of charismatic personalities. The external connections of parliamentary party formations were constituted by press organs with columnists and regular readers clustering around them and forming a steady basis of parties (Habermas, 1962, pp. 245-250). From the point of view of our theme, however, it is important to underline that the MPs of all times were primarily priests, jurists, landowners, etc., And they got into parliament relying on their friends' or their own wealth or rhetorical capacities, where they established parties. This also meant that at that time there were no independent political platforms suspended above the general professional communication, there was no layer of politicians motivated by specific considerations distinct from the rather diffuse intellectual communication praxis. A member of parliament was a "gentleman" in the first place, whose

motives and principles had been socialized for life, and for him the relevant reference group was not constituted by the voters but by those following a similar ideal of life in the same layer. If we compare the "honorator" type of politician to the politicians of later stages, it may be stated that this type was motivated by a diffuse, direct and fixed corpus of experience and system of incentives. They were diffuse because the politician was motivated by ethical, moral, political, national and economic considerations in inseparable unity; they were direct because the processing of his experiences had not yet been generalized into comprehensive ideological systems of theorems and he had a direct approach to his daily political decisions relying on his education he received in his country mansion or schools using the premises he acquired; and finally they were fixed because after the politician had assumed his basic premises, judgements and patterns of decision at a young age, nothing ever could estrange him from this conviction in his life.

b., **Organized mass parties.** The type of parties described above was gradually destroyed by the age of organized mass parties, which became dominant from the turn of the century onwards. From our point of view the separation of political communication from the general professional communication is important here. Two things should be underlined: after being torn out of his embedment in his immediate environment the "gentleman politician" was attached to the staffs of the centralized parties, which got under the pressure of party competition more and more leaving behind other diffuse motivations. Another big change was represented by the foundation of political articulation on generalized and methodized systems of ideological theorems.

This change was primarily initiated by the newly arising Labour parties but following their success the traditional "Honorator" parties were also forced to transform their structures into well-organized machineries through the mediation of competition (Habermas, 1962, p. 235)

Besides the trend of development showing the assumption of power by binary logic the attention should be called to a characteristic "by-product", which entailed development in the opposite direction for quite some time from the beginning of the century. The non-political activities of the organized mass parties are meant here, which were typical of the European parties for a few decades. While the mass parties helped the diffuse everyday communication to proceed towards specific political utterances (as regards topics, ways of argumentation and motivations), they tried to attract the big masses flooding the area of politics as a result of enfranchisement (22) primarily with non-political activities. In the great masses of people no political opinions had been shaped as yet, and although the popular party press started hammering in the stands developed in the staffs of the mass parties, it was only the votes of the masses there was a need for at the elections. In order to gain them, non-political organizing activities and services started and proliferated in party circles meant to attract the votes of those attached to the parties. As described by Robert Michels, early this century the mass parties escorted their members from the cradle to the grave with their sick-relief funds, child care and burial benefits (Michels, 1925, p. 383). However, with the establishment of government social policies since the 30s, this tendency "anti-formal" from the viewpoint of the binary dichotomy quickly ceased to exist.

c., **Competitive popular parties.** In the years following the 2nd World War this tendency of multi-directional change can be identified in the Western political systems, the nucleus of which is constituted by the change in the nature of political parties. The change most analysts found conspicuous was the detachment of the formerly class-oriented parties from their basis and the development of political platforms which were likely to attract members and voters from the

whole society, or at least most layers (See: Mintzel 1984; Habermas, 1962 p. 250). Besides the efforts to develop mass support, another characteristic shift from the formerly class-oriented parties was the slackening of firm ideological affiliations. This in itself is the resultant of several lines of development. Incidentally, the attention should be called to the sphere of mass communication, which had become unfolded by then, the appearance of the colourful world of the mass press not attached directly to any party ousting the former closed-up party press, party meetings and refresher party schools or seminars. This change, which meant the elevation of intellectual standards at the same time, made the continuous observation and evaluation of the political events possible for the greater masses, which could now discard the former ideological theorems hammered in their mind. This way of processing information is incompatible with the rigidity of the theorems of closed ideological platforms. With this the ideologies did not, of course, "die out", as Daniel Bell stated in the late 50s, but came to be borne by more flexible carriers, which corresponds to the tendency of competing political parties becoming mass parties.

Another reason for the disappearance of closed-up political platforms may be the shocking political experience of the dictatorships between the two world wars. Hardly had the parliamentary systems got stabilized all over Europe after the 1st World War, the social tensions attracted masses of millions to the side of the platforms aiming at sweeping away the establishment, and either through the elections, as in Germany, or utilizing the weakness of the shaky state power, as in Italy these ideological views and the corresponding parties assumed power. The disclosure of the horrible acts of Stalinism following the late 40s also exercised an effect of the quick destruction of principles and parties questioning the judiciousness of the parliamentary system. So the existing establishment had no ideological alternative with mass support behind it and the ideological premises embodied by the functioning institutions failed to receive any additional emphasis later. So in the Western societies the explicit struggles of tableau-like closed-up ideologies were mostly relegated into the background from the 50s onwards. Behind the concrete historical reasons entailing the transformation into popular parties and the slackening of ideological affiliations, however, the power of enforcement of the internal interrelation of a competitive party system should also be identified. Going back to what has been said about the evolutionary mechanisms, the variations thus arising coincided with the development trends of competitive party logic and those parties were selected to become dominant parties in the West European societies in the 50s, which showed more readiness to obey the necessity dictated by competition, that is to say, they started to orientate themselves increasingly according to the formal attraction of votes and were able to push back the more formalized class programs and ideological commitments hindering it, successfully. To my mind this is the idea supported by the German Social Democratic Party breaking away from its earlier character of a class party in 1959 and similarly, the same competitive logic seems to prevail behind the partially aborted idea of "Eurocommunism" upheld by Western Communist Parties.

The decrease of the importance of party membership can also be fitted in this tendency. The dual category "staying in power/going in opposition" exercising its effect with binary toughness does no shift today's parties according to how many members they have, but quite independently from this, according to the number of ballots they are able to achieve. As early as the beginning of the 60s Habermas wrote "... It is advantageous for a party if it has not any members at all but revives for the period of elections with the help of the centralized manoeuvring capacity of an advertising agency, with the sole purpose of carrying out a publicity campaign." (Habermas, 1962, p. 250). This statement is, of course, exaggerated in as much as a certain volume of

membership is important from the point of view of the recruitment of the professional politicians of a party as a basis of recruitment, but undoubtedly an excessively great party membership stands in the way of the party staffs orientated by the pressure of competitive logic quite often as a crushing burden. Thus competitive logic exercises its effect to promote the cleavage of the professional politicians and the less changeable membership of the parties. (I will devote some more attention to this in connection with the structural separation of parties and movements.)

The exclusiveness of restructuralization for competition has been increased by the method of parties being financed from government budget in the past few decades. This trend took shape in the German Federal Republic in the 1967 Party Act, but also in Austria and Italy contributions to the financing of the election campaigns of parties were introduced, with a view to provide them after the elections. Even if the budgetary contributions do not mean the complete financing of the parties, they tend to increase the motivation of parties to concentrate merely on attracting votes as mentioned above. According to the 1967 regulations every political party got 2.5 Marks for each vote it received, but to the best of my knowledge this sum has been raised several times since then. In this way a too intimate attachment to certain interest groups (because financial support received from them) may decrease and the acceptance of the demands of societies of shared interest does not depend on their financial strength, but on the number of associated votes. So the logic of the political market is not distorted by the mediating role of money so much, as before the appearance of government financing. The recent Flick-affair and a series of other party financing scandals exercise a pressure to achieve the financing of the parties being covered from government budget. (On the question of party financing see Wolfgang Hoffmann, 1973.)

The binary logic outlined above cannot be identified as being of equal intensity in the different Western countries for each individual party. In the case of the parties having the chance of becoming ruling parties and attracting a great number of votes restructuralization for competition and a flexible change of party programs to meet mass priorities exposed in public opinion polls can be grasped in their clearest forms. Just as the market logic may expose orientation and motivation towards the marketing mechanisms indicating the shifts in offer and demand and towards the aspects of rentability assuming a dominant position, the tendency of the special binary dichotomy of politics taking power can also be observed in the century-long process of development of political parties. To compensate for the emptiness of content thus arising on the level of parties, decision levels of correction were set up in the complex Western political systems, as I have already mentioned. Now let me discuss these in detail.

### **Political federations and neo-corporationalism**

A parallel organizational level of political articulation is represented in the complex Western political systems by the organisations of interest groups besides the political parties. These organs went through changes of character and function in the last one and a half centuries especially in Germany and the areas east of it, where it was a frequent occurrence that they had been transformed from feudalistic guild societies into political federations of joint interests by the late 19th century (Jürgen Weber, 1977, pp. 14-22). Even today several areas of their activities can be distinguished and it is only in the case of summit organs representing national interests that the upholding of political interests towards the government's decision mechanism

means a dominant form of activity. These organs are more embedded in and committed to the sphere of certain activities and the associated problems of content than the political parties. The summit organs representing shared interests depend on the association of their members pursuing their activities on a communal level as regards their financing funds, their ways of electing functionaries and the formulation of internal will. However, there is some competition in the case of federations of interest groups as well, as in most cases several pyramids of association compete in a particular industry or in certain sectors of agriculture, etc. But competition here does not mean an emptiness of content as in the case of parties struggling or taking power, as the layers and problems are clearly identified here.

The analyses pointed out the penetration of summit organizations into the process of formulating political will already from the early 50s. "Herrschaft der Verbände?" (The domination of associations?) asked the German political scientist Theodor Eschenburg in the title of a 1955 article of his (Eschenburg, 1955). Since the late 60s the number of such signalizations has been growing and since the 70s the analysis of neo-corporationalism has suddenly become a fashionable scientific topic, which thematized precisely this.

Depending on the approach neo-corporationalism has been described in very different conceptual frameworks in recent years. If somebody decided to ride at the anchor of the axiom of the imminent destruction of capitalism in his scientific analyses, they judged this phenomenon as the last military position of backtracking monopoly capitalists who were trying to protect themselves in despair. A similar approach to neo-corporationalism was used by those who emphasized selectivity in the whole circle of topics: the capitalist forces exclude the political activities from the public parliamentary sessions, which have become democratic, and relegate them to neo-corporational *gremia* away from public eyes, where they allow only summit organizations to enter not inclined to question the structure itself (Kastendiek, 1981). In another approach, which is opposite to the one described above, it is the long-standing decrease of social tensions in the Western political systems that has led to this tendency (See: Walter-Müller Jentsch, 1981). An earlier analysis of mine emphasized the same aspect and presented the shared-interest federations' gaining ground as the second change of structure in bourgeois democracies (23), which leads to a fundamental reorganization of Western political systems after the formation of the mass parties at the turn of the century (Pokol, 1981).

I find this analysis is still valid as the intensity of interest groups-federations gaining ground is in fact decided by how successful the easing of the acute social tensions has been. The neo-corporational political articulation appeared to be most prominent in Sweden, Norway and the wealthy Switzerland and Austria. There is an important difference, however, in whether the easing of the social tensions is achieved through a considerable restriction of the market rationality in a country, and "social peace" is arrived at in this way, or a low level of tensions can be secured without any significant restriction. Austria is an example for the first solution, where the postponement of the restructuring of production mechanism since the early 80s with the aim of preserving social peace is now threatening with a deep social crisis. In contrast, the German Federal Republic has undertaken restructuralization since the early 70s, which brought about serious unemployment. And this led to neo-corporationalism being pushed back.

So a spectacular advance of neo-corporationalism or its diminishing are evidently inter-related with an opposite change in the social tensions of the given country. Though not so explicitly, but all West European countries witnessed the consolidation of political articulation based on



organizations of shared interests in the last 40 years, besides the political parties. I think this general growth of role can be interpreted as a deeper tendency behind the superficial reasons, which can be grasped theoretically as the correction of the effects of competitive party logic.

This growth of role influences the work-days when bills are passed in parliament, the government's decision-making, the preparation of bills in the ministries, the relationship between government and parliament, as well as the connections between the leaderships of parties and those of the summit organizations of interest federations.

Decision-making in parliament has changed from two aspects as a result of increased activities from the part of organisations of interests groups. In most Western countries a pre-parliamentary stage in the preparation of bills has come into existence, where the opinions of prominent interest federations expressed in their recommendations for amendments of bills become confronted in formalized checking procedures. In Austria, for example, this takes place in the "Begutachtungsverfahren", in Switzerland in the "Vernehmlassungsverfahren", in Sweden the "Remiss-procedure" stands for the same idea, but even the Act regulating the procedural order in the ministries of the German Federal Republic prescribes checking procedures for the bill drafts with the important interest groups (for this see: Rödiger, 1975). However, it is not only in the pre-parliamentary stage that the federations of interests groups can enter the law-making procedure, but within parliament too, as the men of interest groups are present in the parliamentary standing committees as "experts" while the MPs themselves are often party representatives only half-heartedly, because they fulfill some function at an organisation of an interests groups. So if the party does not issue a compulsory view in some question, these MPs approach the decision alternatives of a bill draft looking through their interest groups glasses. Below the binary logic of political parties, "taking power/staying in opposition" and their changing party programs enforced by it and having no fixed content there are delegates of interest groups who are more attached to localized problems and definite layers. So on the working days of politics the crystallized formal rentability of the political market (government/opposition) is extended by meaningful corrections of decisions.

The competitive logic has transformed the relation between the leaderships of the parties and the special-interest groups. In the age of class-oriented parties the closed-up ideological tableaux of parties restricted the decision-making of parties to a greater degree, and this pervaded the set-up mechanisms of the party leaderships as well as the career lines within the party establishment. The summits of the party staffs could primarily be conquered by politicians of pronounced ideological features. This ideological commitment led to the closed-up nature of parties and their steadfast attachment to certain platforms. In this form a political party found its natural allies in the distinct lobby groups forming its class base, just as its enemies were easy to identify in other lobby groups. The trade unions were generally attached to the workers' parties, while the summit organizations of employers, the Chambers of Commerce, etc. Were concentrated around the parties of tycoons (J. Weber, 1977, p. 26).

This relationship went through fundamental changes after the competitive party logic had taken power. In the course of the parties becoming people's parties the attachment to individual interest groups has loosened and they are trying to establish communication with all the significant summit organs of these groups. On the other hand, the trade unions and the Boards of Industrialists are more prepared to maintain contact with all the relevant political parties.

In summation: with this change a party no longer considers it important, decisions of what content and what alternatives are supported by the summit organ of an interest group, but it is interested in what ballot background can be ensured if the party is prepared to uphold them. This means today the parties are less likely to deduce their programs from the abstract decisions of content of a fixed system of theorems but devote their attention to bulks of votes and they make their selection among the demands and promises to be incorporated in or cancelled from their platforms according to their changes.

### **The ways of correction in direct democracies**

Two important trends of development should be outlined here: one is the increasing significance of direct referenda, the other is the strengthening of new types of connections between the parties, which are shaking off the shackles of content under the pressure of competition, and the movements.

a) While the adoption of direct democracy and plebiscite often meant a means used by Caesarian dictators and party leaders to get ahead of the formation of political will in the last century and the first half of this century (Michels, 1925, pp. 9-13), these forms have been playing an increasingly important role in the framework of consolidated parliamentary systems and representative democracies in the past few decades. This tendency has been reinforced by the mass media with its variegated and colourful world, the strengthening of the institutions of political socialization and the massive attention and interest in political decision. Just the same, mention should be made of the new results of technical development, which have made the massive referenda technically feasible. On the other hand, today's plebiscites take place to cover unambiguously identified problems in most cases, with the important alternatives being discussed and socially incubated in large circulation papers. By the time the referendum starts, the politically active part of the population has become capable of arriving at a decision. This is especially true for decisions of communal character, whose effects can easily be calculated by most citizens without any preliminary political activity.

What I find most important in the increasing significance of the referenda is that partly they take the burden of decision off the shoulders of the political parties in a number of cases, partly the final results of the referenda of all times will act as one of the most essential signallization systems for the parties. The results of direct plebiscites give an exact indication to the parties of what bulk of votes are made likely by the support of one or another alternative at the next elections.

b) The question of social movements is partially interrelated with the increasing significance of plebiscites, although this problem is more complex. Quite often the social movements can achieve their objectives by forcing out referenda or influencing them. E.g. in the case of environmentalist movements this can be observed at a very early stage (See: Langguth, 1984). Even beyond this the relationship of the movements and parties on party level is affected by the competitive logic assuming power.

As a first step this question may be approached by stating that under the pressure of the competitive logic the political parties, which are getting rid of their bonds of content, are

orientated according to the topics appearing on the political market, the alternatives and the size of the blocks of votes behind them and they "make a mix" of party program promising to be the best variation out of these. However, this also means that a competitive party system is unable to react to new topics, alternatives or the political tensions signallized by them that have not reached a certain degree of "maturity", i.e. their political "incubation" has not been realized. (Stoss, 1987 296). This means the disintegration of the society into blocks of votes over the alternatives of the solution of the problem. From then on the topic is "marketable" and when the mixture of party programs is repeated, it will deserve consideration in the proportion of the bulk of votes it ensures. In my judgement the new social movements basically cater for this function of "fermentation". This is especially so in the case of the so-called "single-item" movements, but such functions can be observed also in a number of alternative social movements organized to support more comprehensive platforms.

So in the competitive political systems the social movements have a very special dynamism of development. If the newly emerging social problems have not turned up on the political market yet, they will ferment spontaneous organization and if the problems appear more extensively, they will be consolidated more on the political market through the foundation of associations and with the help of the mass media. If the parties perceive a substantial bulk of votes behind some new topic, and it does not contradict too much any other topic already taken up (and the block of votes behind it), its integration in the program of one or more parties may start. However, if the new topic interferes with the opinions and interests of the regular voters of the parties in many respects, no party ever is prepared to overthrow the delicate balance of its platform. This was the case with the environmentalist demand of the "greens", and finally they were only able to get the topic onto the political market by founding a party of their own.

This circumstance may exercise a drastic effect on the movement of the greens. On the one hand, they got under the influence of the competitive party logic with this, and they can only push through their original demands, if they increase their voter base with the introduction of new topics and they strive to grow up to the vote proportions of the other parties. However, this political logic tends to replace the "idealists", who have anchored unmovably at questions of content fixed earlier. (For the problems of the Green Party in Germany see: Murphy-Roth 1987, 303-327). On the other hand, the "greens" feel the pressure also because the environmentalist topic, which has proved successful and produced a block of millions of votes, may be "stolen" by the other parties if they undertake a drastic reshuffling of their party programs (24). So if the parties of the greens refuse to extend their platforms in time, they may simply lose the basis of their existence in the future. The competitive logic does not spare the one-time creator of the topic either. Thus the movements can be interpreted as mediators between the political parties orientated by a specified binary logic and everyday life.

### **3. The attachment points of the system of political institutions**

In the foregoing I have examined the structural effects of the assumption of a dominant position by the quintessential political rationality, that is the binary logic of government/opposition within the political sphere. In the development of parties clearly identifiable functional interlocking can be perceived between the political interest groups, the direct democratic forms and the movements. At the same time this system of institutions, which is becoming

independent, is developing new types of connections with the areas ousted from the system. The most important thing to do here is the analysis of the demarcations and connections with the organizations of public administration, the sphere of law and science. When discussing the feedback to the everyday life of society, I have already pointed out the role of the movements and special-interest groups. I should add the central motive mechanism of the whole political machinery, which may separate the system of political institutions from the everyday life of society, but also connects them in a formalized way: through the periodically recurring elections of MPs and heads of state, etc. (Luhmann, 1965, p. 176).

a) When laying the theoretical foundations I have already described the internal cleavage of the system of government organizations under the effect of the competitive political logic, partly as a consequence of public administration being exposed to increasingly hermetic legal regulation, and partly because the state, as a system of organizations, joins parts belonging to two social-level systems of organizations. This split into two is properly illustrated by certain solutions developed in the Western states in the last few decades.

A state organization employs people working according to two different kinds of logic and motivation. The public administration officials working professionally in ministries and other head offices continuously and the politicians, who keep their eyes on the fluctuations of politics and may be removed at any time in a government crisis, are confined together in the same state organs. This mutual confinement can be observed primarily in the government offices, but the institutions established in the last few decades near the parliament employing several people to prepare the bills for the parliamentary procedure, have also brought about this duality (See: Keller/Raupack, 1970).

In the ministries the professional politicians and the continuously functioning machinery of public administration are connected and separated from each other primarily by the corpus of law. Although the politicians of the new ruling party are given the right of disposing of the ministerial machinery as ministers and state secretaries, they have an access to this machinery only through the corpus of law, which extensively regulates the principles and proportions to be followed in the decision-related selections of the machinery. As regards its foundations, this corpus of law is based on acts and the ministers can transplant the new political priorities in the activities of the "subordinate" machinery only by changing them. In possession of the parliamentary majority this is, of course, possible, but through this mediation the political priorities will be translated into legal terms, which results selection and transformation. So the attachment of politics to public administration also means its attachment to law. This also indicates for us that today's public administration, which is regulated by law, should not be excluded from the systems of legal institutions. (Selznick and Nonet also arrived at the same conclusion in their 1979 book. See Nonet/Selznick, 1979. p. 132).

However, there is one important difference between the two large systems of organizations applying the law, the public administration and the officials of the judiciary outside it. Both are engaged in the application of the effective legal regulations in the specific cases, but in the case of the system of judicial organizations there is no organizational attachment between the layer of typical politicians and the judiciary. In contrast to this the overwhelming majority of the machinery of public administration is connected with them also organizationally. In order to bridge this gap in most Western states there is one continuous (non-political) top position uniting the summits of the hierarchies in the public administration machineries of ministries and

the ever-changing party politician ministers and the politician state secretaries around them maintain contact with the continuously functioning machinery through this point. For instance, in Great-Britain this position in the ministries is represented by that of the "permanent secretary", in the German Federal Republic, the position of the "administrative state secretary" (Lowenstein, 1957, p. 162 and Beyme, 1973).

b) The system of political institutions is attached to the sphere of law in a separate procedure; the law is protected from direct political influences. This is made possible by the law-making mechanisms, which are always disposed of by the dominant politicians of the period and in which the political priorities go through a kind of transformation.

The unfolding of the continuously operating law-making mechanisms reached such a degree of formalization only in the last few decades, although written law has got into a dominant position in the European societies already since the last century. However, it was only in the last one and a half centuries that separate responsible organs were set up and alternatives were regularly explored, mostly in the ministries, but since the 2nd World War also in parliament (Rodig, 1975). In the wake of these trends of development special sections were formed in the central organs of the parties to execute the translation of political priorities into legal terms. This has led to the present practice in the law-making process where the inter-relations of the section of reality to be regulated by law are systematically investigated, the related information is collected, the relevant political priorities and alternatives are surveyed, compromises are made step-wise and finally, all these come to be expressed in a language compatible with the stable institutions, dogmatic rules and interpretation procedures of law. So in the law-making process a number of participants orientated on the binary code can be identified: politicians, jurists and scientists, and the new legal regulations of the time are created in their complementary selections, representing the transformation of political priorities into law, as well as the integration of science in social practice. (It should be noted already at this point that in a number of cases this ideal state goes through distortions, e.g. law is often too subordinated to political priorities. A more detailed account of this will follow in the next chapter.)

c) When the attachment of the system of political institutions is under examination, some issues of interest are the ideological sphere and the role of the layer of experts, the "grey zone" between science and politics, a question of the last few decades.

The scientific activities are organized at the borders of knowledge, which means refutability, unsettled hypotheses, irregularity and the pluralism of scientific opinions and statements. Certain systems of institutions in a complex society depend on an ever-increasing amount of systematically collected information for their selections in decision-making, but due to its hypothetical and unsettled character described above, science which is responsible for providing information can only do so after transformations. From the angle of whichever sphere we look at science, mediating areas responsible for transformation will rise to view on all sides, which will perform selections among the unfounded, hypothetical, chaotic and pluralistic scientific statements according to the central dual paradigm of the given system of institutions to fix and classify them in line with the area, to eliminate their hypothetical character and thus make the newly transformed scientific information acceptable for the respective activities.

On the other hand this transformation and fixation naturally means a relaxation of the current practice, and through this the development of a permanent ability of renewal. So, for instance,

the results of basic research, which is not done primarily to meet the needs of utilization, are converging on the logic of rentability in the process of applied industrial research approaching the system of institutions of production; scientific information gets fixed proceeding downwards along the levels of formalized education towards everyday life, it undergoes systematization and becomes the only possible truth, but in the same way the back-coupling of science via the press and other media continuously takes place.

The results of science, primarily those associated with social sciences are transmitted towards the system of political institutions primarily by ideological transformation, but the environmental problems having become charges up politically in the past decade the formerly neutral technical and scientific statements have also stiffened into ideological platforms. This last area of science, however, is mostly attached to politics through the transformation of experts' activities beyond ideology.

The system of connections between ideology and politics have been greatly modified in Western societies in the past few decades by the assumption of a dominant position by the binary logic already described. As it has been indicated, the competitive party logic has induced an increasing disposition for doing away with the shackles of content in the formulation of party will and in the compilation of party programs the consideration of blocks of votes appeared. Under the pressure of the dichotomy of "staying in power/going into opposition" the leaderships of parties are forced more and more to optimize the number of votes and this does not allow excessively pronounced ideological commitments. In my judgement this tends to entail the same gradual separation in the case of ideologies that we have seen in the unavoidable split of competitive parties and movements. In the future such tendencies may intensify in the case of Western parties that we can observe with the American parties which have always been built exclusively on competition in elections, that is a distance of the flexible and colourful ideological sphere from the party struggles and its organization in the sphere of press and other media. On the other hand the new ideologies will not generally be brought forth by the parties, and their role will also decrease in ideological innovation in the future, whereas the repeatedly arising and submerging social movements (sometimes bringing about parties) are more likely to gain ground.

For the competitive parties, which keep the ideological commitments at a low level, the attachment to science is mostly ensured by the ad hoc experts' activities. In the American language of political science the term "grey zone" covers those scientific institutions and university sections, which are attached to one or another big party and continuously provide the decision-related selections founded on a systematic basis of knowledge for the compilation of party programs and those of presidential candidates, etc. Likewise, at the West-European universities and institutions a mediating layer has been formed whose members regularly participate in the decision-making of one or another party as experts, advisers or consultants. Although here, in Europe this still happens through emergence from the background of fixed ideological dispositions, the experts' activities are primarily concentrated around concrete political decisions, where the introduction and transformation of scientific results towards the political decisions take place ad hoc, and do not entail stiffening into ideological theorems.

#### **4. The recruiting and evaluation mechanisms of politics**

The delimitation of the system of professional institutions spontaneously developing above the organizational system level can only be detected if in an area of activities enduring structures under the selection of decisions and communication enforce a definite and central dual category of value orientation. The most important dimensions of a system of institutions, where the central dual shematism should dominate, are constituted by the mechanisms of evaluation, rewarding and sanctioning pushing the communication selections of participants towards the central dual shematism, and before them, by the mechanisms of recruitment promoting entrance into the system of institution. If in these dimensions a central binary logic has been able to take power, this allows a low degree of hierarchies within the given sphere of activities and a spontaneous development of order. Moreover, as we have seen in the case of science, it does not only make the cut-back of hierarchies possible, but also necessary. If the organized hierarchies become dominant in an area like this, the spontaneous and impersonal scientific evaluations and rewardings will gradually become suspended and the evaluations will be dependent upon "feudal vassal's" service.

In the now autonomous politics the binary logic of government/opposition has created the ideological class-oriented parties, then the popular parties orientated on a clearer form of competition and according to blocks of votes, or, to use the English expression, the "catch all parties" out of the "Honorator" parties.

One important difference between politics and science should be pointed out in the field of evaluation and rewarding. In short it can be summarized by noting that in science the evaluation of individual scientists and the reputation hierarchies based on it are more likely to be in the focus than those of politicians in politics. In the latter case the evaluation, rewarding and sanctioning concern the political organizations and their collective programs more, and the individual politicians' activities, charisma, successful statements or scandals affect the evaluation of their parties primarily. This is to say that the binary logic has built up its basic structures on the level of competitive political organizations within the system of political institutions.

Naturally there are cases very occasionally where some politicians with pervasive message have been able to forge such independent political reputations (generally in one of the leading positions of a former party) which may make them independent characters in political competition. Such politicians may count as treasure for ailing parties. They try to attract them in the same way as Nobel-laureate scientists are attracted by country universities. However, subsequently the "lonely loiterer" can only market his political reputation persistently, if he organizes a party around him or puts himself at the lead of an existing party.

Anyway, the future is likely to bring the strengthening of the tendency where the market of pervasive political personalities will come to the fore and the parties orientated along the blocks of votes can be attached or detached with a charismatic politician, considering the chances of rentability. Naturally in this context the fairly developed structure of science shows that this requires a number of superficial indicators and mechanisms displaying evaluation and reputation, which can be seen even in Western societies only in traces for the time being.

A comparison with science also shows that the evaluation and rewarding of the individual participant can never break away completely from the evaluations developed in the relationships

between the organizations of the given system of institutions embedding him. Although the reputation hierarchies between the individual scientists mostly develop from the evaluation of their own scientific publications, they could never function above a level of complexity if a journal reputation hierarchy or a hierarchy between universities did not exist already. In the case of science, however, it could be achieved that these hierarchies should be reassessed in the shorter or longer run by the accomplishments of scientists. However, in the relationship of the inter-party competition and the evaluation of the achievements of individual politicians the former still bears a stronger emphasis and my intention has been only to note a shift off the centre of gravity or at least a chance for such a shift.

In the recruitment mechanisms of the modern political systems the effect of competitive logic can be made out just as clearly, as we have seen it before in the case of the parties. The intellectual or land-owner of the "Honorator" parties, who was embedded in educated circles, was replaced by the figure of the ideologist politician in the age of mass parties. It is especially the workers' parties of the beginning of the century, which represented a clear example of ideological character, that presented this kind of recruitment and socialization of politicians. In seminary classes and later at party schools these politicians learnt a closed-up system of ideological theorems and the intellectuals joining them were characterized by an almost religious enthusiasm and a very responsive socialization of ideological premises verging on religious devotion from the very outset. (See Robert Michels' own career or his comprehensive tableau of the mass parties of the turn of the century; Michels, 1925).

The party leaders appealed to the masses usually exercising visions of the ideological future upheld by the party and not so much with the alternatives of the daily political decisions. The persons responsible for the technical tasks ahead of the party machinery (the organizers of printing jobs, the treasurers of party funds, etc.) usually did practical jobs and executed the technical implementation of the ideological party program to increase the mass effect.

The figure of the professional party politician, which became typical subsequently, was to be found primarily in bourgeois parties. In the parliamentary committees the parliamentary party representatives were able to watch and check the details of government decisions every day. There the politician faced publicity exposed by the debates in parliament and due to the correspondent work of the always present newsmen, but the mechanisms of recruitment and the factors determining the lines of careers depended on professional capacities. Today's forms of television and other media attach a direct effect to each parliamentary contribution: to comments on world events or recommendations for the amendments of laws. Tens of thousands of votes may be withdrawn or added to the existing number of votes by an unsuccessful public appearance of one of the party leaders, or conversely, by his convincing argumentation in front of millions of TV viewers.

So the centre of gravity has been shifted from the ideologist party politician to the type of politician who follows the fluctuations of the government/opposition logic more flexibly. A "pragmatic" party politician is mainly orientated on the daily government decisions and social problems, he gathered his knowledge in this circle and on the other hand, with the shifts of the relevant blocks of votes he follows the corresponding decision alternatives more flexibly. Naturally the advance of the pragmatists to the front can best be observed in the government party of the time, while in the opposition parties the weight of the "party dogmatists" with their attention concentrated on ideological premises is more pronounced.



This pragmatic type has been reinforced in the past few decades by the fact that party recruitment has increasingly drawn on the membership of adjacent organisations of interest groups. So the trends of neo-corporationalism already described can be identified not only on the level of the competitive parties but also in the recruitment of professional politicians.

## **CHAPTER VIII**

### **The binarity of modern law**

In the past two centuries the spheres of activities orientated on aspects of value specialized in the most important functions to be fulfilled in society as a whole have become separated in European development at a rapidly increasing pace. In the case of the legal subsystem of society it is easy to identify the tendencies that have brought about the specified orientation of modern law, its narrowing down to the value aspect lawful/unlawful out of the diffuse embedment and orientation on diffuse value aspects. This development - or if we have doubts about the final results, change - has rearranged the connection of jurisdiction with the political sphere, the mechanisms of the enforcement of justice within law, the relations of law and everyday life, the superordination of the various levels of legal decisions (law-making, constitutional judicature, jurisdiction) and last but not least, the place value of legal dogmatics within the system of law. Next I would like to analyse the mechanisms of complex legal subsystem from this single aspect: how much the dominance of the value aspect lawful/unlawful is felt in the modern legal subsystems; how the activities carried out in this way

are related to the moral aspects of justice and the political aspects; what structural problems arise from the new connection between law and politics, and finally, how the union of the legal system and the current system of objectives of politics affects the possibilities for forming concepts of legal dogmatics.

## 1. Theoretical considerations

The essential structural characteristics of modern law can be grasped, if we consider it a subsystem besides several other subsystems of society, rising to a more abstract level of concept. Approaching a more concrete level, however, a number of structural differences may be discovered between the spheres of activities considered as a uniform subsystem on a more abstract level. Contrasting law, politics and science a few such structural differences can be identified very well.

1) One such difference can be seen in the realization of the structural autonomy of those three subsystems. While in the case of science and the (Western) political systems the system-like differentiation meant the appearance of their structural autonomy at the same time, the modern system of law is based more and more on politics in establishing the contents of law, and it is detached structurally from everyday life, just like from most subsystems of society. As we will see, this tendency is attacked by a great many theories, and we would have to go back several centuries in the development of European law and politics, if we were to turn back this tendency and preferred to put the law development techniques within law in the place of political law-making (25).

So if the actually operating modern systems of law are to be described, the structural superordination takes place in a separate procedure, that of law-making, and so the political priorities are transferred into the interior of the legal subsystem through a transformation. As we will see, this leads to multifarious tensions, but on the other hand the procedure of mediation and transformation makes it possible for the central binary code (lawful/unlawful), to acquire an almost totally dominant role within the sphere of law collaterally with a more and more intensive connection between law and politics. In other words: the procedure of mediation makes it possible for law to shut itself off from politics in its microprocesses, while on a macro level, in the establishment of legal contents law and politics can be attached more and more closely in a specialized procedure (Luhmann, 1972, II., p. 235).

2) Another difference may be pointed out in their mechanisms of evaluation. Each has an independent mechanism of evaluation, but their distance from the more diffuse evaluations of everyday life can be diametrically different. From this point of view the most autonomous one is the evaluation mechanism of science. For the participants of modern professional science only the members of their scientific communities count as suitable for evaluation; their scientific reputation comes from the publication of their studies in journals edited by scientists; scientific prizes and academic titles are decided on by fellow-scientists (Hagstrom, 1965; Merton, 1973). In the case of law the autonomy of the evaluation mechanism according to the dual schematism lawful/unlawful is somewhat limited. In the majority of cases it is the citizen having a conflict who decides whether to make a legal case out of it thus mobilizing the system of professional legal institutions or to avoid the legal procedures. Science may do research in any area and it

will be evaluated by the relevant communication of scientists, but at least in civil law it falls in the sovereignty of the citizen to commence action (26) (Luhmann, 1981, p. 40). Once he has put the machinery of law into motion, the professional appliers of law will draw the case in question under the internal evaluation of law, and the selections of decision will be dominated by the specific value aspect lawful/unlawful. In the case of politics the operation of the evaluation mechanism is even more dependent upon the evaluation of the participants of everyday life. In the competitive political systems the professional politicians are orientated by the value dual of "staying in power/going into opposition", but above this the citizens make the decisions directly. So modern politics has built up a specified and independent evaluation mechanism by being based on elections, which are joined by signallization mechanisms of public opinion polls and other mechanisms of the kind, but there are always citizens on the other side of the evaluation, not professional politicians.

From this it can be seen that under the uniform language of concepts of the subsystems of society there are different structural compositions in the individual cases, so the discoveries made within one subsystem can be transferred to the research of the other only to a limited degree. The advantage of the uniform language of concept lies much more in the fact that in this way such aspects that would have remained hidden if the individual subsystems had been examined separately, may be contrasted easily and become visible.

3) Having been contrasted the three subsystems under examination will show differences in the respect of organizational system formation. In short: the sphere of law is dominated by organizational system formation most, while it plays a somewhat smaller role within the political subsystem; competition organizes the more comprehensive structures of politics, and finally, organization is least important in science. In the latter the optimal situation is if even within one organization the individual scientists carry on their activities in a coordinate relationship and rivalry and the organizational does not restrict the evaluation and rewarding mechanisms of the scientific communities forming spontaneously on a general level. Nearest to this model are the American universities, but the patterns used there have spread to most highly developed countries (Parsons-Platt, 1973).

So the professional legal sphere is dominated by organizational system formation to a considerable degree. From this point of view further differences can be found between the two great internal parts of the modern systems of law, the part applying the law of public administration and the juridical sphere applying the traditional corpus of law. While public administration ultimately means a single hierarchic system of organization where in the gaps of legal regulations there are direct relations of sub- and superordination, in the case of the system of juridical organizations the only connections made between the individual levels of jural decision are the appeal procedures and the complaints lodged at the tribunals of constitution. Beyond this on all juridical levels the binary code lawful/unlawful dominant in the general sphere of law orientates the jural decisions impersonally and without direct organizational hierarchy.

The difference between these two parts of law decreased a lot in Western countries in the last hundred years with the establishment of the jurisdiction of public administration and with the creation of its guarantees. As a consequences after the action has been commenced by those concerned, the decision of the official of public administration who applies law will be channelled onto the path of jurisdiction, just as the traditional legal cases and so the

organizational hierarchy within public administration cannot distort the impersonal "lawful/inlawful" orientation.

4) Among my preliminary theoretical considerations mention should be made of the legal quality of certain norms. M.L.A. Hart described the principles and rules the legal character of the order of primary norms is preconditioned upon as "secondary rules" (Hart, pp. 89-97). Here I would only like to discuss the "rule of adjudication". It will lead to an interesting result if the stages of the historical development of the traditional corpus of law (penal law, private law), public administration law (which expanded in the last 150 years) and those of the most recent constitutional law are contrasted.

In the development of the traditional areas of law first the application mechanism of law emerged from the diffuse medium of the world of everyday norms and in connection with jurisdiction the effective legal norms got fixed and became specified in the juridical practice. It took several centuries of development until the mechanism of conscious law-making rose above the juridical application of law, and with this a tri-polar relationship has come into being on these areas of law between the law-makers, the jurists applying them in individual cases, and the citizens. However, in the case of the law of public administration and constitution, which have expanded in the past 150 years, an opposite order can be observed. These corpuses of law started to develop in the age of well-established law-making techniques, so from the very start they were created by conscious law-making. Nevertheless, in these areas the juridical mechanism came to be separated later. The jurisdiction of public administration unfolded in the first half of the 20th century after the 19th century beginnings and the jurisdiction of constitution got ultimately stabilized in most highly developed societies after the post-war years. With this the tri-polar relationship already existing in the traditional areas of law came into being also here. Constitutional regulation is no longer merely a collection of principles but individual decisions of the tribunal of constitution specify it for the individual situations. The rules of public administration are no longer instructions simply forwarding higher objectives towards the lower-ranking officials. They are interpreted by the tribunal of public administration with the help of comprehensive principles of legal dogmatics if the citizens concerned take legal proceedings.

Going back to Hart's "secondary rules" it seems that the legal quality of the corpus of norms in public administration and constitution is brought about by the institutionalization of some form of the "rule of adjudication", that is the establishment of the jurisdiction of constitution and public administration. It is not in the respect of Western societies that this should be dwelt on, because for the last few decades they have existed there in some form, but in the respect of the East European countries where no constitutional jurisdiction has been developed and it is only now that the jurisdiction of public administration is being restarted. From a theoretical point of view these efforts mean that attempts are made to move the constitutional regulations from the sphere of ideology and propaganda to the sphere of law, and similarly with this step the rules of public administration assume the legal quality that has developed in the traditional areas of law (27). In the latter case though, the legal quality has been established in an incomplete form, by the possibility of the judicial impugnment of the resolutions of public administration.

5) Finally, when examining law as a system of professional institutions I should advert to my starting point of general social theory amongst my preliminary theoretical remarks. The main aspects of such a system of institutions are constituted by the recruitment and socialization

mechanisms and the evaluation, rewarding and sanctioning mechanisms of the participants. It is in these aspects that the central dual schematism of the given system of professional institutions, at present the value aspect lawful/unlawful of the legal system gets into a dominant position in the process of structural differentiation. This specific binarity of the modern systems of law are to be examined in the mechanisms of legal education and generally those of socialization into professional jurists. The specific ways of the prevalence of this binarity should be examined in the legislation mechanisms and in the mechanisms of the application of law combined with the procedures of appeal. Before that the attachment of the legal system reduced to evaluation according to the dichotomy of lawful/unlawful to the evaluation according to morals, justice and political considerations is to be outlined.

## **2. Justice and th binarity of law**

When managing legal cases the modern systems of law aim at reducing the subjectivism of judges to a minimum by delimiting the corpus of law precisely, giving the exact denotations of the concepts of legal dogmatics used in the corpus of law, eliminating the contradictions between the sources of law of different levels with the help of constitutional jurisdiction and the system of appeal procedures, etc. Even if we admit, in spite of all, that even so a lot of contradictions and subjectivism cannot be eliminated, the tendency of juridical decisions working with freer and rather diffuse aspects of evaluation typical of the earlier centuries gradually narrowing down to the more specific dual paradigm lawful/unlawful defined by the effective corpus of law is seen to be decisive.

In the process of such positivization of law the possibilities for judges to evaluate in the dimension of justice are decreasing. In as much as the legal regulation relevant in the decision of the case delineates the direction of the judicial decision precisely, and that direction is opposite to what they and perhaps the majority of the society consider just, they have to choose what the regulation supposes to be rightful, and not the just solutions. If they do not do so, at the appeal of the opposing party in the suit the higher courts will annul the decision anyway and finally the rightful running counter the just will overcome.

It was especially after the cruelty of the Nazi jurisdiction that the problem of unjust law became the centre of interest and induced criticism of the aspect reduced to lawful/unlawful of the jurists of the positivized system of law. At that time the response was the demand of natural law over positive law: a legal system in contradiction with the former is ultimately unjust and the appliers of law should carry out their activities being aware of this (Hart, 1961, pp. 181-195). Since then, in a normalized world, judges have necessarily continued to be oriented by the lawful/unlawful paradigm of the effective law; they have been forced to do so by the whole machinery of the legal system. It seems that modern law itself should be crushed to secure direct orientation on justice.

I think this diagnosis is too pessimistic and in the case of positivized law the establishment of a

closer connection between "rightful" and "just" should be sought elsewhere than in the direction sought by the post-war ideas of natural law. although the aspects of justness have mostly been ousted from the law application procedures but parallel with this the processes of law-making and the democratic formation of political will unfolded and united in the last hundred years, naturally primarily in the highly developed West European countries and the countries following the same model. This is where the evaluations according to morals and justice play a more direct role, and the reduction of the general aspect to lawful/unlawful is made acceptable by the fact that in the creative process of legislation one of the guiding principles of the selections of decision is constituted by the aspects of morals and justness thought to be cardinal in the given society. With this background the reduced aspect may be a source of modernization.

The structural make-up of the democratic political systems disposing of law-making gives a chance for the introduction of these aspects into the corpus of law, even if there are press reports on a number of cases of corruption and other manifestations of the lack of morals every day in the Western political systems. But as in these countries the structural incorporation of publicity ensures such immoral activities being brought to the surface (28) and now, in the period of Glasnost their dimensions can be compared to the mafia-like formations of the non-public development of political will in some East European countries, it may be stated that these amoral phenomena represent the inevitable by-products of a democratic political system.

So in my opinion the aspects of justice excluded from the direct application of law can get in the law-making process in the democratic political systems with structural guarantees. In accordance with the competitive political logic the selections of decision of the political parties, the government, the parliamentary politicians and the ministers are orientated with more and more specificity on the binary code of staying in power/going into opposition. Any public disclosure of the views of a government politician or an opposition party leader on a world event or a draft bill under preparation or the alternatives it includes may take away hundreds of thousands of votes from his party at the next elections or may add just as many. Likewise the flowing argumentations of the politicians and press organs of the opposition parties may make the injustice of the clauses of an effective Act evident for millions of people and if the argumentation is echoed by the ideas of millions of citizens of justice, the existence of such an act or its presentation as a bill in parliament may contribute greatly to the downfall of a government and the transformation of an earlier majority in parliament into a minority. Although it is to be admitted that due to the general and often contradictory character of the ideas of justice a number of solutions considered to be unjust by part of the society may get into the corpus of effective law even in the case of a democratic formation of political will, it may be claimed that precisely in the cardinal question which are universal enough to be classified into the corpus of natural law by the followers of this concept, the standard of justice of a given society cannot be opposite to the standard of the corpus of effective law. This is why in such political systems the decision selection of the judges and other appliers of law reduced to the mere lawful/unlawful dichotomy is acceptable.

It is not the modern legal systems with their effect of reduction to lawful/unlawful that have to be destroyed, but the political systems disposing of law-making, or at least they should be reformed into democracies, if an unjust system of law could be stabilized in a society. Probably it is easy to verify the statement that in post-war Germany and Italy it was not the revived doctrines of natural law that brought back the just systems of law but the circumstance that parallel with these doctrines the political systems built on this law were annihilated and a

democratic formation of political will built on competition and publicity was created. So it is not the positive legal system that should be founded on natural law but the political system, on competition.

Besides legislation outside the system of law, which is mostly dominated by politics, a mechanism with a more direct influence of the standards of morals and justness developed within law. I have the jurisdiction of constitution in mind, which became ultimately stabilized in the modern systems of law after the Second World War after American beginnings in the last century. (Britain was the only exception due to her specific development of constitution.)

Besides the specific measures the modern written constitutions contain a great many basic principles and regulations most of which embody the most universal moral and justice standards of the civilized societies. The constitution created in the new wave of constitutions after the Second World War worded these standards especially clearly. (The impact of the revived doctrines of natural law can be recognized in the incorporation of these principles in the constitution!) Of course these constitutional principles would not mean anything, if parallel with them no political structures built on publicity and competition were working and there were not tribunals of constitution - as it is amply illustrated by the Stalinist constitutions, which were flawless, as far as their layout is concerned.

However, with the incorporation of the standards of morals and justice in the constitution and with the build-up of the discourse of constitutional jurisdiction displaying a continuous tendency for specificity above them, these principles undergo a transformation unnoticed and through this they converge on the argumentation of legal dogmatics, which developed in the course of the centuries. The provision of equality, human dignity, etc. becomes realized in the discourse of tribunal of constitution evoked by their infringement in concrete cases. With this the blurred, diffuse and over-generalized standards of morals and justice become specific as situations. (29) the masses of decisions in cases of constitutional jurisdiction mark out or designate concretely what it means to assure equality, what the requirements of the freedom of thought and the freedom of press stand for; in the everyday situations attempts are made to find the middle of the way in what represents the optimum between justness associated with universal equality and social justness aiming at equalizing unequal positions which exist nevertheless. (For the possible contradiction between "justice" and "social justice" see Hart, 1961, p. 183.)

If for millions of the heterogeneous situations of the complex modern societies the standards of general justice cannot be applied directly (Luhmann, 1981, p. 326), because they fail to provide directly the instructions of necessary concreteness, with this mediation of constitutional jurisdiction it is possible to approach this state. On the other hand, the concrete approach in constitutional jurisdiction and the public press discourse over it give explicit guiding principles in the selection of draft bills for the later stage of Act preparation.

With this I do not mean to say that with the institutionalization of the jurisdiction of constitution justice has become "positivized" and the Code of "positive" principles of justice can be taken out from among the Law Reports, but undoubtedly regular mediation has developed between the value dichotomy of "just/unjust" and the mere "lawful/unlawful" binary codes.

Thus in the modern systems of law the points of entry of the aspects and standards of justness are transferred structurally. Instead of sending their entire personalities into action the judges are

forced by the machinery of law to produce evaluations reduced to the schematism of lawful/unlawful, but at the summit of law (jurisdiction of constitution) and beyond law, between the systems of law and politics the standards of morals and justice get a structural possibility for entry in the intermediary procedure of legislation between the systems of law and politics (30).

Besides this main property such subordinate tendencies of development can also be observed in the modern systems of law which continue to assure a place for a more direct observation of the standards of justice in the micro-processes of law. The "antiformal tendencies", the role of jury trial mentioned by Max Weber early this century can be regarded as such, and also arbitration, which has been used increasingly in the past few decades, which cases the rigidity of orientation merely by the "lawful/unlawful" dichotomy. (For the alternative solutions of the conflicts of everyday life outside law see: Voigt, 1983, pp. 116-196).

I should also touch upon the consequences of the materialization of the law mediating the immense role played by the social and welfare state in the last few decades. Under this trend certain parts of law (especially the law of public administration) become a means of politics and this change exercises an effect on the dominant role of orientation on the value aspect lawful/unlawful. The investigations into the characteristics of instrumental law have proved the decrease of the importance of the concepts of legal dogmatics and the words of legal regulations, as well as the appearance of an application of law which keeps the function of a legal rule or the objectives to be attained in view on the other hand (Voigt, 1980, p. 26). The applicator of law is orientated on the preamble and the justification of an act, not on the text of an act full of obscure and broad concepts and his preoccupation is not the application of law but finding out the purposes of the creators of political law and considering them in the individual cases (Teubner, 1982, 1984).

Thus the materialization of law really acts against the dominant role of the dual paradigm "lawful/unlawful", which we have described as a main trend of development. However, this tendency has been reflected upon considerably only in the past ten years, so it is impossible to know whether there will be correction mechanisms to solve this problem in the future, and if there will be some, what they will be like. The theoretical political trends partly implemented in the practice, which have criticised the extensive role of the state, have reduced the pressure originated by state politics on the materialization of law recently.

A way out may be the direction of the development of "reflexive law" indicated by Gunther Teubner and some improvement may be achieved by the future development of the set of internal dogmatics and concepts of law in order to make it suitable for meeting new and extensive tasks and reflecting a rather complex social environment. Instead of the extra-juristic, vague terms the future applicators of law, the judges will be given law texts having systematic local values and operating with concepts of legal dogmatics. This is the direction of development Niklas Luhmann prognosticated and urged in his 1972 *Rechtssoziologie*, but in his 1974 *"Rechtssystem und Rechtsdogmatik"* he assumed a diametrically opposite view turning to the depths of law and stating the difficulties of development of the level of legal dogmatics. Since the early 80s, as a terminal stage of this change, he has tried to reject the entire law-making process in order to make his views congruous and expressed his preference for a judicial techniques of developing law (See especially Luhmann, 1983, p. 139 and 1985, p. 9). to achieve this, however, I think several hundreds of years' trends of the development of European politics and law, which have led to parliamentary and political law-making, ought to be reserved. For



this reason I think Luhmann's original ideas are less utopistic and to my mind the way out is in the subsequent development of the set of legal dogmatics of the modern systems of law. so parliamentary and, generally, political law-making cannot be obliterated and neither can the use of certain parts of law as a means serving political purposes. The strain on law by politics and the transfer of political objectives into law without any transformation or selection can be stopped though. This idea has been given ample support by the dramatic explorations of facts in the last few years' special literature on the growing prevalence of the aspects of law and state, which have contributed to the transformation of the spiritual atmosphere of Western societies by now (See: Voigt, 1980, 1983: Winkler/Gessner, 1983.)

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